

**MARINE PROTECTION, RESEARCH AND SANCTUARIES ACT § 102
OCEAN DUMPING PERMIT**

PERMIT NUMBER AND TYPE: OD98-02 Special

EFFECTIVE DATE: March 1, 1998

EXPIRATION DATE: February 28, 2001

PERMITTEE: VCS Samoa Packing Company, Inc.
P.O. Box 957
Pago Pago, American Samoa 96799

WASTE GENERATOR: VCS Samoa Packing Company, Inc.
P.O. Box 957
Pago Pago, American Samoa 96799

WASTE GENERATED AT: VCS Samoa Packing Company, Inc.
P.O. Box 957
Pago Pago, American Samoa 96799

PORT OF DEPARTURE: Pago Pago Harbor, American Samoa

WASTE TRANSPORTER: FV TASMAN SEA
Blue North Fisheries, Inc.
1130 N.W. 45th Street
Seattle, Washington 98107-4626

A special ocean dumping permit is being issued to VCS Samoa Packing Company, Inc. The Regional Administrator of EPA Region IX has determined that disposal of fish processing wastes off American Samoa meets EPA's ocean dumping criteria at 40 C.F.R. Parts 227 and 228. For this permit, the term "fish processing wastes" shall refer to Dissolved Air Flotation (DAF) Sludge, Cooker Juice and Press Liquor generated at the permittee's plant in Pago Pago, American Samoa; or any combination of the three waste streams pumped from VCS Samoa Packing Company's onshore holding tanks into the ocean disposal vessel for transportation to the ocean disposal site.

This special permit authorizes the transportation and dumping into ocean waters of fish processing wastes as described in the special conditions section pursuant to the Marine Protection, Research, and Sanctuaries Act (MPRSA) of 1972 (33 U.S.C. § 1401 *et seq.*) as amended (hereinafter referred to as "the Act"); regulations issued thereunder; and the terms and conditions stated below.

This MPRSA Special Permit does not contain any information collection requirements subject to Office of Management and Budget review under the Paper Work Reduction Act of 1980 (44 U.S.C. § 3501 *et seq.*). This determination has been made because the permit does not require data collection by more than 10 persons.

1. GENERAL CONDITIONS

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authority
- 1.1. Operation under this special ocean dumping permit shall conform to all applicable federal statutes and regulations including, but not limited to, the Act, the Marine Plastic Pollution Research and Control Act of 1987 (P.L. 100-220), the Clean Water Act (33 U.S.C. § 1251 *et seq.*), and the Ports and Waterways Safety Act (33 U.S.C. § 1221 *et seq.*).
 - 1.2. All transportation and dumping authorized herein shall be undertaken in a manner consistent with the terms and conditions of this permit. VCS Samoa Packing Company, Inc. (hereafter referred to as "the permittee") shall be liable for compliance with all such terms and conditions. The permittee shall be held liable under § 105 of the Act (33 U.S.C. § 1415) if any permit violations occur. During disposal operations when the permittee's fish processing wastes are loaded aboard the disposal vessel in holding tanks, either separately or combined with similar fish processing wastes from other permittees authorized to use the ocean disposal site defined in Special Condition 2.2, the permittees shall be held individually liable under § 105 of the Act (33 U.S.C. § 1415) if a permit violation occurs. If a permit violation occurs during the transportation and disposal of fish processing wastes, the waste transporter may also be liable for permit violations.
 - 1.3. Under § 105 of the Act, any person who violates any provision of the Act, 40 C.F.R. Parts 220 through 228 promulgated thereunder, or any term or condition of this permit shall be liable for a civil penalty of not more than \$50,000 per day for each violation. Additionally, any knowing violation of the Act, 40 C.F.R. Parts 220 through 228, or the permit may result in a criminal action being brought with penalties of not more than \$50,000 or one year in prison, or both. Violations of the Act or the terms and conditions of this permit include but are not limited to:
 - 1.3.1. Transportation to, and dumping at any location other than that defined in Special Condition 2.2 of this permit;
 - 1.3.2. Transportation and dumping of any material not identified in this permit, more frequently than authorized in this permit, or more than the quantities identified in this permit, unless specifically authorized by a written modification hereto;
 - 1.3.3. Failure to conduct permit monitoring as required in Special Conditions 3.1, 3.3.1, 4.7 and 5.1; or
 - 1.3.4. Failure to file reports on fish processing wastes and disposal site monitoring reports as required in the Special Conditions.

- 1.4. Nothing contained herein shall be deemed to authorize, in any way, the transportation from the United States for the purpose of dumping into the ocean waters, the territorial sea, or the contiguous zone, the following materials:
 - 1.4.1. High-level radioactive wastes;
 - 1.4.2. Materials, in whatever form, produced for radiological, chemical, or biological warfare;
 - 1.4.3. Persistent synthetic or natural materials which may float or remain in suspension in the ocean; or
 - 1.4.4. Medical wastes as defined in § 3(k) of the Act.
 - 1.4.5. Flotables, garbage, domestic trash, waste chemicals, solid waste, or any materials prohibited by the Act or the Marine Plastic Pollution Research and Control Act.
- 1.5. Nothing contained herein shall be deemed to authorize, in any way, violation of applicable American Samoa Water Quality Standards. The following water quality standards apply:

Table 1. 1989 American Samoa Water Quality Standards: Oceanic Waters [§24.0207(g)(1-7)].

Parameter	Median Not to Exceed the Given Value
Turbidity	0.20 NTU
Total Phosphorus	11.0 µg-P/L
Total Nitrogen	115.0 µg-N/L
Chlorophyll <i>a</i>	0.18 µg/L
Light Penetration Depth	150 feet, to exceed the given value 50% of the time.
Dissolved Oxygen	Not less than 80% of saturation or less than 5.5 mg/L. If the natural level of dissolved oxygen is less than 5.5 mg/L, then the natural dissolved oxygen level shall become the standard.
pH	The pH range shall be 6.5 to 8.6 pH units and within 0.2 pH units of the level which occurs naturally.

Should the American Samoa Water Quality Standards applicable to this permit be revised, such revised standards shall apply to this permit.

- 1.6. After notice and opportunity for a hearing, this permit may be revised, revoked or limited, in whole or in part, subject only to the provisions of 40 C.F.R. §§ 222.3(b) through 222.3(h) and 40 C.F.R. § 223.2, as a result of a determination by the Regional Administrator of EPA that:
 - 1.6.1. The cumulative impact of the permittee's dumping activities or the aggregate impact of all dumping activities in the dump site designated in Special Condition 2.2 should be categorized as Impact Category I, as defined in 40 C.F.R. § 228.10(c)(1);
 - 1.6.2. There has been a change in circumstances regarding the management of the disposal site designated in Special Condition 2.2;
 - 1.6.3. The dumping authorized by the permit would violate applicable American Samoa Water Quality Standards;
 - 1.6.4. The dumping authorized can no longer be carried out consistent with the criteria defined at 40 C.F.R. Parts 227 and 228;
 - 1.6.5. The permittee violated any term or condition of the permit;
 - 1.6.6. The permittee misrepresented, or did not accurately disclose all relevant facts in the permit application or monitoring reports; or
 - 1.6.7. The permittee did not keep records, engage in monitoring and reporting activities, or to notify appropriate officials in a timely manner of the transportation and dumping activities as specified in any condition of this permit.
- 1.7. The permittee shall ensure always that facilities, including any vessels associated with the permit, are in good working order to achieve compliance with the terms and conditions of this permit. During all loading operations, there shall not be a loss of fish processing wastes to any waterway. During transport to the disposal site, there shall not be a loss of fish processing wastes to Pago Pago Harbor or the ocean.
- 1.8. The permittee shall notify the Regional Administrator or his delegate in writing of any change in the designated fish processing waste transporter at least 30 days before the transfer date. Written approval by the EPA Regional Administrator must be obtained before such a transfer occurs.

1.9. The permittee shall allow the EPA Regional Administrator, the Commander of the Fourteenth U.S. Coast Guard District (USCG), the Director of the American Samoa Environmental Protection Agency (ASEPA), and/or their authorized representatives to:

1.9.1. Enter into, upon, or through the permittee's premises, vessels, or other premises or vessels under the control of the permittee, where, or in which, a source of material to be dumped is located or in which any records are required to be kept under the terms and conditions of this permit or the Act;

EPA access to records →
1.9.2. Have access to and copy any records required to be kept under the terms and conditions of this permit or the Act;

1.9.3. Inspect any dumping equipment, navigational system equipment, monitoring equipment or monitoring methods required in this permit;

1.9.4. Sample or require that a sample be drawn, under EPA, USCG, or ASEPA supervision, of any materials discharged or to be discharged; or

1.9.5. Inspect laboratory facilities, data, and quality control records required for compliance with any condition of this permit.

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1.10. If material which is regulated by this permit is disposed of, due to an emergency, such as to safeguard life at sea, in locations or in a manner that does not comply with the terms of this permit, the permittee shall make a full report, according to the provisions of 18 U.S.C. § 1001, within 15 days to the EPA Regional Administrator, the USCG and the ASEPA describing the conditions of this emergency and the actions taken, including the location, the nature and the amount of material disposed.

1.11. The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of rights, nor any infringement of Federal, State or local laws or regulations, nor does it obviate the necessity of obtaining State or local assent required by applicable law for the activity authorized.

1.12. This permit does not authorize or approve the construction of any onshore or offshore physical structures or facilities, or, except as authorized by this permit, the conduct of any work in any navigable waters.

1.13. Unless otherwise provided for herein, all terms used in this permit shall have the meanings assigned to them by the Act or 40 C.F.R. Parts 220 through 228, issued thereunder.

2. SPECIAL CONDITIONS - DISPOSAL SITE AND FISH PROCESSING WASTE CHARACTERIZATION

Special conditions are necessary to define the length of the permit period, identify the disposal site location, describe fish processing waste streams and define maximum permitted limits for the combined three waste streams (DAF sludge, cooker juice and press liquor) stored in on-shore storage tanks.

2.1. Location of the Waste Generator and Duration of the Permit

2.1.1. The material to be dumped shall consist of fish processing wastes, defined in Special Conditions 2.3 and 2.4, generated at the permittee's fish cannery in Pago Pago, American Samoa.

2.1.2. This permit shall become effective on March 1, 1998 and it shall expire three years from the effective date at midnight on February 28, 2001.

2.2. Location of Disposal Site

Disposal of fish processing wastes generated at the location defined in Special Condition 2.1.1 shall be confined to a circular area with a 1.5 nautical mile radius, centered at 14° 24.00' South latitude by 170° 38.30' West longitude.

2.3. Description of Fish Processing Wastes

2.3.1. During the term of this permit, and according to all other terms and conditions of this permit, the permittee is authorized to transport and dispose a combined waste stream total maximum of 200,000 gallons per day of fish processing wastes. The fish processing wastes-- Dissolve Air Flotation (DAF) sludge, cooker juice and press liquor/water-- are combined and stored in the permittee's onshore storage tanks prior to transport to the ocean disposal site.

2.4. Fish Processing Waste Stream Limits

Fish processing waste stream limits apply to the combined fish wastes of DAF sludge, cooker juice and press liquor/water, which are combined and stored in an onshore storage tank prior to transport to the ocean disposal site (see Table 3 - following page).

Table 3. Limits for Onshore Storage Tank Fish Wastes

Physical or Chemical Parameter (units)^a	Storage Tank
Total Solids (mg/L)	43,170
Total Volatile Solids (mg/L)	38,230
5-Day BOD (mg/L)	53,350
Oil and Grease (mg/L)	119,750
Total Phosphorus (mg/L)	2,880
Total Nitrogen (mg/L)	11,330
Ammonia (mg/L)	4,580
pH (pH units)	5.8 to 7.4
Density (g/mL)	0.98 to 1.02

a = All calculated values were rounded to the nearest 10, except density and pH ranges.

- 2.4.2. Permitted Maximum Concentrations for the onshore storage tank fish waste were calculated based on an analysis of data over a 4-year period from the permittee's previous Special Ocean Dumping Permit, number OD 93-01. The calculations followed EPA's recommended procedure for determining permit limits as defined in the EPA document titled: "Guidance Document for Ocean Dumping Permit Writers" (January 30, 1988). EPA Region IX will periodically review these limits during the permit to evaluate the accuracy of the limits. If revisions are necessary, EPA Region IX will make changes according to the authority defined in the Ocean Dumping Regulations at 40 C.F.R. §§ 223.2 through 223.5.
- 2.4.3. The Permitted Maximum Concentrations, density range and pH range listed above, shall not be exceeded at any time during the term of this permit.

3. SPECIAL CONDITIONS - ANALYSIS OF FISH PROCESSING WASTES

Compliance with the permitted maximum concentrations defined in Special Condition 2.4 shall be determined by monthly monitoring of the waste in the onshore storage tank. **The sampling dates shall be scheduled within the first two weeks of the month to allow enough time for laboratory analyses and report writing to comply with Special Condition 3.3.**

3.1. Analyses of Fish Processing Wastes

3.1.1. Concentrations or values of the parameters listed in Special Condition 2.4 and those listed in the table below shall be determined for the waste in the onshore storage tank. Once a month, the permittee shall analyze samples taken from its onshore fish processing waste storage tank during the transfer of these wastes to the disposal vessel's holding tanks.

3.1.1.1. Three samples shall be taken from the onshore storage tank transfer line at 10 minute intervals. These samples shall be composited to produce one sample for analysis. The permittee's samples shall not be combined with fish processing waste from any other permittee.

3.1.1.2. The parameters and detection limits listed in Table 4 shall be analyzed and used for the onshore storage tank composite samples.

Table 4. Physical and Chemical Parameters and Associated Method Detection Limits for Analyses of Onshore Storage Tank Waste

Parameter	Method Detection Limit
Total Solids	10.0 mg/L
Total Volatile Solids	10.0 mg/L
5-Day BOD	10.0 mg/L
Oil and Grease	10.0 mg/L
Total Phosphorus	1.0 mg/L
Total Nitrogen	1.0 mg/L
Ammonia	1.0 mg/L
pH	0.1 pH units
Density	0.01 g/mL

3.1.2. All sampling procedures, analytical protocols, and quality control/quality assurance procedures shall be performed according to guidelines specified by EPA Region IX. The following references shall be used by the permittee:

- 3.1.2.1. 40 C.F.R. Part 136, EPA Guidelines Establishing Test Procedures for the Analysis of Pollutants Under the Clean Water Act;
- 3.1.2.2. Tetra Tech, Incorporated. 1985. Summary of U.S. EPA-approved Methods, Standard Methods and Other Guidance for 301(h) Monitoring Variables. Final program document prepared for the Marine Operations Division, Office of Marine and Estuarine Protection, U.S. Environmental Protection Agency. EPA Contract No. 68-01-693. Tetra Tech, Incorporated, Bellevue, WA.; and
- 3.1.2.3. Environmental Protection Agency. 1987. Quality Assurance and Quality Control for 301(h) Monitoring Programs: Guidance on Field and Laboratory Methods. Office of Marine and Estuarine Protection, Washington, D.C. EPA 430/9-86-004.

3.2. **Analytical Laboratory**

- 3.2.1. Within 30 days of the effective date of this permit, the name and address of the contract laboratory or laboratories and a description of all analytical test procedures and quality assurance/quality control procedures, including detection limits being used, shall be provided to EPA Region IX.
- 3.2.2. Any potential variation or change in the designated laboratory or analytical procedures shall be reported, in writing, for EPA Region IX approval.
- 3.2.3. EPA Region IX may require analyses of quality control samples by any laboratories employed to comply with Special Condition 3.1 and Appendix A. Upon request, the permittee shall provide EPA Region IX with the analytical results from such samples.
- 3.2.4. Should there be a modification in the permittee's fish processing procedures such that there may be a significant change in the quality of a fish processing waste stream (DAF sludge, cooker juice or press liquor) EPA Region IX and ASEPA shall be notified 60 days prior to such modification. At their discretion, either agency may require that the permittee conduct a complete analysis of parameters for specified waste streams, and report the results to EPA Region IX and ASEPA within 30 days of sampling. (A sample shall consist of three replicate grab samples pooled for use as a composite sample. The detection limits specified in Table 4 shall be used in all fish processing waste stream analyses.) If necessary, bioassays may be required in addition to parameter analyses.

3.3. Reporting

- 3.3.1. The permittee shall provide EPA Region IX, ASEPA, the National Marine Fisheries Service (NMFS), the U.S. Fish and Wildlife Service (USFWS) and the Western Pacific Regional Fishery Management Council (WPRFMC) with a report, prepared every 3 months during the permit period, that contains the following information:
 - 3.3.1.1. Daily volume of fish processing waste (total combined waste streams of DAF Sludge, Cooker Juice and Press Liquor) generated at the permittee's facility and pumped into the permittee's onshore storage tanks to be reported in gallons per day using Form 1 (see Appendix B);
 - 3.3.1.2. Daily volume of fish processing waste disposed at the ocean disposal site to be reported in gallons per day using Form 1 (see Appendix B);
 - 3.3.1.3. Monthly fish processing waste analyses from the onshore storage tank demonstrating that the fish processing wastes being dumped comply with the permitted limits of parameters listed in Special Condition 2.4 and a cumulative yearly summary of the volumes of fish processing wastes disposed at the ocean site using Form 2 (see Appendix B);
 - 3.3.1.4. The monthly amount of alum (aluminum sulfate) and coagulant polymer added to the fish processing waste streams reported in pounds per month (see Forms 1 and 2).
- 3.3.2. Such reports, including a comparison with the permit limits as required on Forms 1 and 2, shall be submitted to EPA Region IX, ASEPA, NMFS USFWS and WPRFMC within 45 days of the end of the preceding 3-month period for which they were prepared. The reports shall be submitted within this time unless extenuating circumstances are communicated to EPA Region IX and the ASEPA in writing. In addition to a hard copy of Forms 1 and 2, the data contained on Form 1 shall be submitted to EPA Region IX on a 3.5" computer diskette in a LOTUS spreadsheet format (i.e., wk1), including name of cannery, permit number, and months for which the data is submitted.
- 3.3.3. A summary report of all 3-month reports listed in Special Condition 3.3.1, including a comparisons with permit limits and a detailed discussion of the summary results, shall be submitted by the permittee to EPA and the ASEPA 60 days after the permit expires. Delay or non-compliance with this requirement will (respectively) delay or preclude renewal of the permit. All fish processing waste data shall be reported in the same format as required in Special Condition 3.3.2.

violation
report →

- 3.3.4. Upon detection of a violation of any permit condition, the permittee shall send a written notification of this violation to EPA Region IX and the ASEPA within five working days and a detailed written report of the violation shall be sent to the agencies within 15 working days. This notification shall pertain to any permit limits (defined in Special Condition 2.4) that are exceeded, violation of volume limits (defined in Table 2 under Special Condition 2.3.1), and any disposal operation that occurs outside the disposal site defined in Special Condition 2.2.
- 3.3.5. Twenty-four months from the effective date of this special permit, the permittee shall submit a report to EPA and ASEPA on the results of confirmatory suspended phase acute toxicity bioassay tests and dilution model calculations (i.e., Limiting Permissible Concentration) of the predicted concentrations of fish processing wastes disposed at the designated site. The suspended phase bioassays shall be conducted using at least one species from each of the following three groups: Group 1 = *Mytilus* sp. (mussel), *Crassostrea* sp. (oyster), *Acartia tonsa* (copepod), or *Trypneustes* sp. (sea urchin) larvae; Group 2 = *Holmesimysis costata* (mysid shrimp) or *Penaeus vannamei* (white shrimp); and Group 3 = *Citharichthys stigmaeus* (speckled sanddab) or *Coryphaena hippurus* (dolphinfish) juveniles.

Appropriate suspended phase bioassay protocols, either protocols approved by EPA or protocols published by the American Society for Testing and Materials (ASTM), shall be followed. Suspended particulate phase bioassays shall be run using the following fish processing waste concentrations: 100%, 75%, 50%, 25%, 10%, 5%, and a control (0%). A minimum of five replicates are required per dilution concentration. Concurrent reference toxicant tests shall be conducted when the suspended phase bioassays are run.

A sampling and testing plan shall be submitted to EPA Region IX and ASEPA for approval before the bioassay tests are conducted. Samples for the suspended particulate phase bioassays shall be composited from the permittee's onshore storage tanks. Three samples shall be taken from the onshore storage tank transfer line at 10 minute intervals. These samples shall be composited to produce one sample for analysis. The permittee's samples shall not be combined with fish processing waste from any other permittee. Samples shall be collected and shipped to the testing laboratory according to EPA-approved methods to ensure that the samples do not change before the bioassay tests begin. All suspended particulate phase bioassays shall be started within 10 days of sampling.

If changes in processing and /or disposal operations should occur, an additional re-evaluation of the disposal model may also be required. These evaluations (bioassays and/or modeling) would be used to confirm the toxicity of the fish processing wastes and to evaluate the disposal operations based on the use of a different disposal vessel or different mode of disposal.

The confirmatory bioassay report shall contain the following information:

3.3.5.1. INTRODUCTION AND PROJECT DESCRIPTION

The project description should include the following information about fish processing waste toxicity, previous bioassay test results, and the design of the new bioassay tests. If modeling analysis is necessary, then previous modeling at the ocean disposal site should also be included.

3.3.5.2. MATERIALS AND METHODS

Fish processing waste sampling and sample handling procedures should be described or referenced.

References for laboratory protocols for suspended phase bioassay tests.

- 1) EPA-approved methods and references.
- 2) Test species used in each test, the supplier or collection site for each test species, and QA/QC procedures for maintaining the test species.
- 3) Source of seawater used in reference, control and bioassay tests.
- 4) Data and statistical analysis procedures.
- 5) Limiting Permissible Concentration (LPC) calculations.
- 6) If modeling analysis is required as stipulated in Special Condition 3.3.5., description of model selected to evaluate dispersal of fish processing wastes at the ocean disposal site. Use of this model shall be approved by EPA Region IX and ASEPA before it is used by the permittee to evaluate the fish processing waste disposal plume.

3.3.5.3. DESCRIPTION OF SAMPLING PROCEDURES

QA/QC procedures and actual sampling procedures used during fish processing waste stream sampling and handling of the samples.

3.3.5.4. FINAL RESULTS, ANALYSIS OF DATA AND DISCUSSION

- 1) Complete bioassay data tables and summary bioassay tables shall be furnished in the report. All data tables should be typed or produced as a computer printout.
- 2) The permittee shall analyze the bioassay data and calculate the LPC of the material as defined at 40 C.F.R. § 227.27(a-b).
- 3) The permittee shall use the LPC in the approved plume model to determine the concentration of fish processing wastes disposed at the designated ocean disposal site which complies with EPA's Ocean Dumping Criteria defined at 40 C.F.R. Parts 227 and 228.

3.3.5.5. REFERENCES

This list should include all references used in the field sampling program, laboratory protocols, LPC calculations, modeling analyses, and historical data used to evaluate the fish processing waste disposal operations at the designated ocean disposal site.

3.3.5.6. DETAILED QA/QC PLANS AND INFORMATION

The following topics should be addressed in the QA Plan:

- 1) QA objectives.
- 2) Organization, responsibilities and personnel qualifications, internal quality control checks.
- 3) Sampling and analytical procedures.
- 4) Equipment calibration and maintenance.
- 5) Sample custody and tracking.
- 6) documentation, data reduction, and reporting.
- 7) Data validation.
- 8) Performance and systems audits.
- 9) Corrective action.
- 10) Reports.

4. SPECIAL CONDITIONS - VESSEL OPERATIONS

Specifications for vessel operations are defined to limit dumping activities to the dump site identified in Special Condition 2.2 and to record all dumping activities. The permittee's fish processing wastes and fish processing wastes of other authorized permittees may be loaded into the disposal vessel together or separately.

4.1. Posting of the Permit

This permit, or a true copy thereof, shall be placed in a conspicuous place on any vessel which is used for the transportation and dumping authorized by this permit.

4.2. Vessel Identification

Every vessel engaged in the transportation of fish processing wastes for ocean disposal shall have its name and number painted in letters and numbers at least fourteen (14) inches high on both sides of the vessel. The name and number shall be kept distinctly legible always, and a vessel without such markings shall not be used to transport or dump fish processing wastes.

4.3. Determination of the Disposal Location Within the Dump Site

On each disposal trip, the master of the disposal vessel shall determine the location of the disposal operation as follows:

- 4.3.1. The disposal vessel, as defined under WASTE TRANSPORTER on page 1 of this permit, shall proceed directly to the center of the disposal site at the location specified in Special Condition 2.2.
- 4.3.2. The master of the vessel shall observe the conditions at the dump site center, noting the vessel's position (latitude and longitude), wind direction and observed surface current direction.
- 4.3.3. After the conditions defined in Special Condition 4.3.2 have been recorded, the master of the disposal vessel shall proceed 1.1 nautical miles up current from the center of the disposal site and record the position of the disposal vessel (latitude and longitude). This position shall be the starting point for disposal operations for each disposal trip.
- 4.3.4. The master of the disposal vessel shall prepare a hard copy (i.e., on 8.5 inch by 11 inch paper) of the computerized navigational plot documenting compliance with the procedures defined in Special Conditions 4.3.1 through 4.3.4. The hard copy of the computerized navigational plot for each disposal trip shall be supplied to the permittee. The permittee shall submit these hard copies of the computerized navigational plots with the 3-month reports required under Special Condition 3.3.1. The hard copies of the navigational plots shall include:
 - 4.3.4.1. The disposal vessel's course during the entire dumping operation;
and

- 4.3.4.2. The times and location of entry and exit from the disposal site, position and time of arrival at the center of the disposal site, position and time of arrival at the location 1.1 nautical miles up current from the disposal site, beginning and ending position and time of dumping operations, and disposal vessel position plotted every 15 minutes while dumping operations occur.
- 4.3.5. The master of the disposal vessel shall sign and date each hard copy of the computerized navigational plots certifying that the hard copies are an accurate record of the disposal vessel's track for each disposal trip.
- 4.3.6. The master of the disposal vessel shall certify that disposal operations occurred in the manner required by the permit.
- 4.3.7. The procedures listed in Special Conditions 4.3.1 through 4.3.6 shall be repeated for each disposal trip.

4.4. Disposal Rate and Vessel Speed

- 4.4.1. The disposal vessel/barge shall discharge the material authorized by this permit beginning at the disposal location as determined by Special Condition 4.3.3. The vessel track shall be in a direction that is perpendicular to the current detected at the center of the disposal site as defined in Special Condition 2.2. Disposal shall occur in a target area defined by an oval shape track along an axis at least 0.5 nautical miles on either side of the starting point determined in Special Condition 4.3.3. The entire disposal vessel track shall be within the disposal site boundaries.
- 4.4.2. Deviations from normal disposal operations (as described in Section 4.4.1) must be reported within 30 days of the date of occurrence. If such deviation should occur, the master of the disposal vessel shall describe the adverse conditions in the log and submit a record of the disposal trip, including the computer-generated navigational plot. Minor deviations in the vessel's track due to adverse ocean conditions (e.g. large waves, strong winds, etc.) are allowed as long as disposal operations occur in the prescribed target area thereby allowing the fish waste to disperse within the disposal site boundaries. If adverse sea state conditions prevent ocean disposal operations in this manner, then all operations shall cease until sea state conditions are compatible with the required disposal operations.
- 4.4.1.3. From June 1 through November 30, fish processing wastes shall be pumped from the disposal vessel into the ocean at a rate of 140 gallons per minute per knot, not to exceed 1,400 gallons per minute at a maximum speed of 10 knots.
- 4.4.1.4. From December 1 through May 31, fish processing wastes shall be pumped from the disposal vessel into the ocean at a rate of 120 gallons per

minute per knot, not to exceed 1,200 gallons per minute at a maximum speed of 10 knots.

4.5. Computerized Navigational System

The permittee shall use an onboard computerized electronic positioning system to fix the position of the disposal vessel accurately during all dumping operations. The computerized navigational system and the method to produce a 8.5 inch by 11 inch hard copy of each disposal operation must be approved by EPA Region IX and the USCG Liaison Office (CGLO) Pago Pago. The permittee shall submit the description, specifications and example hard copy plots for the computerized navigational system before the date of the first disposal operations under this permit. Disposal operations shall not begin until EPA Region IX and CGLO Pago Pago provide the permittee with written approval for the computerized navigation system and the hard copy plots.

4.6. Permitted Times for Disposal Operations

Dumping operations shall be restricted to daylight hours, unless an emergency exists as defined at 40 C.F.R. § 220.1(c)(4). ASEPA and CGLO Pago Pago shall be notified immediately if an emergency exists and ocean disposal is required to protect human life at sea. No later than 5 working days after the emergency, the permittee and the waste transporter shall provide EPA Region IX, ASEPA and CGLO Pago Pago with a detailed written report on the emergency situation.

4.7. Reporting of the Ocean Dumping Vessel Operations

4.7.1. The waste transporter shall maintain and the permittee shall submit copies of a daily transportation and dumping log, including hard copy plots of all information required in Special Conditions 4.3 and 4.7.2. Copies of the daily logs shall be sent to EPA Region IX, CGLO Pago Pago, and the ASEPA as part of the 3-month report.

4.7.2. The logbook shall contain the following information for each disposal trip:

4.7.2.1. Permit number, date and unique consecutive trip number;

4.7.2.2. Record of contact with ASEPA and CGLO before each trip to the ocean disposal site;

4.7.2.3. The time when loading of the vessel commences and ceases in Pago Pago Harbor;

4.7.2.4. The volume of fish processing waste loaded into the disposal vessel from each fish cannery;

4.7.2.5. The time and navigational position that dumping commences and ceases;

- 4.7.2.6. A record of vessel speed and direction every 15 minutes during each dumping operation at the disposal site, and a hard copy of the vessel's course defined in Special Condition 4.3;
- 4.7.2.7. Discharge rate from the disposal vessel.
- 4.7.2.8. Observe, note and plot the time and position of any floatable material;
- 4.7.2.9. Observe, note and plot the wind speed and direction every 30 minutes while dumping fish processing wastes at the designated disposal site;
- 4.7.2.10. Observe and note current direction at the beginning and end of the disposal trip, and the direction of the disposal plume at the end of the disposal operation;
- 4.7.2.11. Observe, note and plot the presence of any visible (previous) disposal plume and any unusual occurrences during the disposal trip, or any other information relevant to the assessment of environmental impacts as a result of dumping activities; and
- 4.7.2.12. Any unusual occurrences noted under Special Condition 4.7.2.9 shall be highlighted in the report defined in Special Condition 3.3.1.
- 4.7.2.13. Any deviation from the normal disposal pattern such as circumstances described in Special Condition 4.4.2 and reasons for the deviation.

5. SPECIAL CONDITIONS - DUMP SITE MONITORING

The monitoring program for disposal of fish processing wastes in the ocean must document effects of disposed wastes on the receiving waters, biota, and beneficial uses of the receiving waters; compliance with EPA's Ocean Dumping Regulations; and compliance with permit terms and conditions. Revisions to the monitoring program may be made under the direction of EPA Region IX at any time during the permit term, in compliance with 40 C.F.R. §§ 223.2 and 223.3. This may include a change in the number of parameters to be monitored, the frequency of monitoring, the location of sample stations, or the number and size of samples to be collected.

Implementation of the disposal site monitoring program and all segments of the monitoring program specified in Special Condition 5 and Appendix A shall be the responsibility of the permittee.

5.1. Monitoring Program

The permittee shall conduct the monitoring program, defined in Appendix A, to determine the environmental impacts of ocean dumping of fish processing waste. If possible, monitoring cruises shall be scheduled within the first two weeks of each month to allow enough time for laboratory analysis and report writing in compliance with Special Condition 5.2. The permittee shall notify the ASEPA at least 48 hours before any scheduled monitoring activities.

5.2. Monitoring Reports

Monthly site monitoring reports shall be submitted to EPA Region IX, the ASEPA, NMFS, USFWS and WPRFMC with the 3-month reports as specified in Special Condition 3.3.2. The reports shall include: neatly compiled raw data for all sample analyses, and quality assurance/quality control data. An annual report shall include: an annual compilation of data, statistical analysis of sample variability between stations and within samples for each parameter, and a detailed discussion of the results.

5.3. Final Summary Report

5.3.1. A report shall be submitted to EPA Region IX, ASEPA, NMFS, USFWS and WPRFMC 60 days after the permit expires. This report shall summarize all of the data collected to characterize fish processing wastes and the results of the dump site monitoring program specified in this special permit.

5.3.2. At a minimum, the summary report shall contain the following sections:

5.3.2.1. Introduction (including a summary of previous ocean disposal activities),

5.3.2.2. Location of Sampling Sites,

- 5.3.2.3. Materials and Methods,
- 5.3.2.4. Results and Discussion (including comparisons and contrasts with previous MPRSA § 102 research and special permit data related to disposal of fish processing wastes off American Samoa),
- 5.3.2.5. Conclusions; and
- 5.3.2.6. References.

5.4. Quality Assurance/Quality Control

- 5.4.1. All appropriate phases of the monitoring, sampling, and laboratory analytical procedures shall comply with the EPA Region IX-specified protocols and references listed in Special Condition 3.1.2.
- 5.4.2. The qualifications of the on-site Principal Investigator in charge of the field monitoring operation at the dump site shall be submitted to EPA Region IX and the ASEPA for approval whenever a new Principal Investigator is retained. Notification of any change in this individual shall be submitted to EPA Region IX and ASEPA at least 7 days before the cruise is scheduled.

6. SPECIAL CONDITIONS - NOTICE TO REGULATORY AGENCIES

6.1. Notice of Sailing to the U.S. Coast Guard Liaison Office and the American Samoa Environmental Protection Agency

- 6.1.1. The waste transporter shall provide telephone notification of sailing to CGLO Pago Pago at 633-2299 and the ASEPA at 633-2304 during working hours (7:00 a.m. to 3:30 p.m.) no later than 24 hours before the estimated time of departure for the dump site defined in Special Condition 2.2. A record of contact with both agencies shall be reported with other information for each disposal trip.
- 6.1.2. The waste transporter shall immediately notify CGLO Pago Pago and the ASEPA upon any changes in the estimated time of departure greater than two hours.
- 6.1.3. Surveillance of activities at the dump site designated in Special Condition 2.2, may be accomplished by unannounced aerial overflights or observation from another vessel by EPA Region IX, ASEPA, USCG or American Samoa Department of Public Safety personnel; or a USCG ship rider and/or a ASEPA or EPA Region IX ship rider who will be on board the towing/conveyance vessel for the entire voyage. Within two hours after receipt of the initial notification the waste transporter will be advised whether or not a ship rider will be assigned to the waste transporter's disposal vessel.

6.1.4. The following information shall be provided to CGLO Pago Pago and the ASEPA in the notification of sailing defined above:

- 6.1.4.1. The time of departure,
- 6.1.4.2. Estimated time of arrival at the dump site,
- 6.1.4.3. Estimated time of departure from the dump site, and
- 6.1.4.4. Estimated time of return to port.

6.2. Reports and Correspondence

6.2.1. Two copies of all reports and related correspondence required by General Condition 1.10, Special Conditions 3.2, 3.3, 4.3, 4.5, 4.6, 4.7, 5.2, 5.3, 6.1, and all other materials, including applications shall be submitted to EPA Region IX at the following address:

Office of Pacific Insular Area Programs (CMD-5)
U.S. Environmental Protection Agency, Region IX
75 Hawthorne Street
San Francisco, California 94105-3901
Telephone (415) 744-2170

6.2.2. One copy of all reports required by General Condition 1.10 and Special Conditions 4.5, 4.6, 4.7 and 6.1 sent to the U.S. Coast Guard shall be submitted to the following address:

Commanding Officer
U.S. Coast Guard Liaison Office
P.O. Box 249
Pago Pago, American Samoa 96799
Telephone (684) 633-2299

- 6.2.3. One copy of all reports required by General Condition 1.10 and Special Conditions 3.2, 3.3, 4.3, 4.5, 4.6, 4.7, 5.2, 5.3, and 6.1 sent to the American Samoa Environmental Protection Agency shall be submitted to the following address:

Director
American Samoa Environmental Protection Agency
Office of the Governor
Pago Pago, American Samoa 96799
Telephone (684) 633-2304

- 6.2.4. One copy of the all reports required by Special Conditions 3.3, 5.2 and 5.3 shall be sent to the USFWS, the NMFS and the WPRFMC at the following addresses:

Project Leader
Office of Environmental Services
U.S. Fish and Wildlife Service
300 Ala Moana Boulevard
P.O. Box 50167
Honolulu, Hawaii 96850

Western Pacific Program Officer
National Marine Fisheries Service
2570 Dole Street
Honolulu, Hawaii 96822-2396

Executive Director
Western Pacific Regional Fishery Management Council
1164 Bishop Street, Suite 1405
Honolulu, Hawaii 96813

Signed this _____ day of _____, 1997

For the Regional Administrator:

Alexis Strauss, Acting Director
Water Division
U.S. EPA, Region IX



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
1235 Mission Street
San Francisco, CA 94103

JUL 30 1990

MEMORANDUM

SUBJECT: Issuance of Special Ocean Dumping Permits for
StarKist Samoa, Inc. (OD 90-01) and VCS Samoa Packing
Company, Inc. (OD 90-02)

FROM: *Janet Y. Hashimoto*
Janet Hashimoto, Chief
Oceans and Estuaries Section (W-7-1)

TO: Darrell Brown, Chief
Marine Permits and Monitoring Branch (WH-556F)
Office of Marine and Estuarine Protection

The U.S. Environmental Protection Agency Region 9 is issuing special ocean dumping permits to StarKist Samoa, Inc. (OD 90-01) and VCS Samoa Packing Company, Inc. (OD 90-02) under § 102 of the Marine Protection, Research and Sanctuaries Act. The effective date of the permits and the ocean disposal site is July 31, 1990. These permits authorize disposal of fish processing wastes off American Samoa for a three year period. No negative comments were received on the draft revisions to the ocean dumping permits during the 30 day comment period from May 7, 1990 to June 7, 1990. Therefore, EPA Region has determined that the special ocean dumping permits should be issued.

Information gathered during the term of the special permits, previous information gathered under ocean dumping permits OD 79-01, OD 79-02, OD 86-01, OD 87-01, OD 88-01 and OD 88-02, and the Modeling Report will be used to continue EPA Region 9's management of the fish processing waste disposal program off American Samoa. If at any time EPA Region 9 determines that the disposal operations do not meet the ocean dumping regulations at 40 C.F.R. Parts 220 through 228, we will reconsider use of the designated site.

If you have any questions regarding the foregoing, please contact Patrick Cotter, Regional Ocean Dumping Coordinator, at (415) 705-2162.

Attachment



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX
1235 Mission Street
San Francisco, CA 94103

JUL 30 1990

Norman Wei, Manager
Environmental Engineering
StarKist Seafood Company
180 East Ocean Boulevard
Long Beach, CA 90802-4797

RE: Issuance of Special Ocean Dumping Permit for StarKist
Samoa, Inc. (OD 90-01)

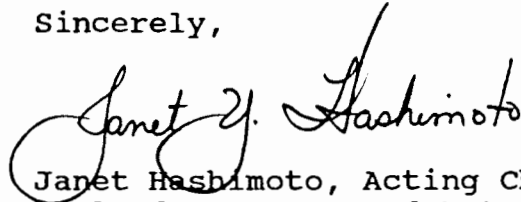
Dear Mr. Wei:

The U.S. Environmental Protection Agency Region 9 is issuing a special ocean dumping permit to StarKist Samoa, Inc. (OD 90-01) under § 102 of the Marine Protection, Research and Sanctuaries Act. The effective date of the permit and the ocean disposal site is July 31, 1990. The permit authorizes disposal of fish processing wastes off American Samoa for a three year period. We received your comment letter on the draft revised special permit supporting the final site designation and the special permit (June 6, 1990). No negative comments were received on the draft revisions to the ocean dumping permit during the 30 day comment period from May 7, 1990 to June 7, 1990. Therefore, EPA Region has determined that the special ocean dumping permit should be issued.

Information gathered during the term of the special permit, previous information gathered under ocean dumping permits OD 79-01, OD 79-02, OD 86-01, OD 87-01, OD 88-01 and OD 88-02, and the Modeling Report will be used to continue EPA Region 9's management of the fish processing waste disposal program off American Samoa. If at any time EPA Region 9 determines that the disposal operations do not meet the ocean dumping regulations at 40 C.F.R. Parts 220 through 228, we will reconsider use of the designated site.

If you have any questions regarding the foregoing, please contact Patrick Cotter, Regional Ocean Dumping Coordinator, at (415) 705-2162.

Sincerely,

A handwritten signature in cursive script that reads "Janet Y. Hashimoto". The signature is written in dark ink and is positioned above the typed name.

Janet Hashimoto, Acting Chief
Wetlands, Oceans and Estuaries Branch
EPA Water Management Division

Enclosure

cc: Dyke Coleman, American Samoa EQC
Pati Faiai, American Samoa EPA
Tautai A.F. Fa'alevao, American Samoa Attorney General
Maurice Callaghan, StarKist Samoa
Fred H. Avers, Van Camp Seafood Company
Gordon Stirling, VCS Samoa Packing Company
Thomas Redick, Esq., Lillick & McHose
John Ciko, Esq., H.J. Heinz Co.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105-3901

MAY 28 1993

MEMORANDUM

SUBJECT: Public Notice of a Tentative Decision to Issue Ocean Dumping Permits to the Canneries in American Samoa

FROM: *Int. House*
fw Amy K. Zimpfer, Chief
Wetlands, Oceans and Estuaries Branch (W-7)

TO: Harry Seraydarian, Director
Water Management Division (W-1)

I am alerting you about an Ocean Dumping permitting action that is proposed for two tuna canneries in American Samoa. I have attached copies of the Fact Sheet, the Notice of Application and the Communication Strategy to show you what we propose to do for these permits. The canneries, StarKist Samoa and VCS Samoa Packing, have been dumping fish processing wastes at a site 5.45 nautical miles southeast of American Samoa for the past three years under MPRSA § 102 special permits. These new permits will be effective from July 31, 1993 through July 31, 1996. Now, we must issue another three-year permit to each cannery for them to continue to dump at the site. Under MPRSA, we can only issue special permits for three years at a time.

The Marine Protection Section has reviewed the canneries' waste stream data and prepared two new permits based on the last three years of disposal activities. The new permits are similar to the last ones, except for the following conditions:

1. Waste stream limits were changed for both canneries based on their waste stream analytical reports. In most cases, the limits were lowered. Only a few limits were raised to reflect the new characteristics of the waste streams (see page 6 of the Fact Sheet).
2. Since the waste streams are quite different compared to the past and a new disposal vessel (the FV TASMAN SEA) is being proposed, Region IX will require that the canneries conduct new suspended phase bioassays and rerun the disposal plume model.
3. Analyses for heavy metals and petroleum hydrocarbons in the waste streams were deleted because the concentrations were low and fish oils interfere significantly with the analyses for petroleum hydrocarbons.

4. A computerized navigation system is required now. This will provide Region IX, ASEPA and the Coast Guard with an accurate record of the disposal vessel's tracks during dumping operations.
5. Two new data reporting forms have been prepared to ensure that the canneries present their waste stream and dumping volume information in a format that is useful to Region IX.

I have approved these two draft permits for publication in the *San Francisco Chronicle* and the *American Samoa News*. The draft permits will be out for review for 30 days. After the Marine Protection Section and the Office of Pacific Island and Native American Programs respond to comments and prepare final permits, you will be asked to sign the final permits before July 31, 1993. We do not anticipate any significant comments which would delay permit issuance. However, should there be a delay, the existing permits can be administratively extended until the new permits are issued. If you have any questions on this proposed action, please call me at 4-1953.

Attachments (3)

cc with attachments: Deanna Weiman (E-1)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105-3901

MAY 27 1993

COMMUNICATION STRATEGY

Action: Public Notice of draft Marine Protection, Research and Sanctuaries Act Section 102 permits for StarKist Samoa and VCS Samoa Packing in American Samoa.

Projected

Announcement: Monday June 7, 1993

Location: American Samoa

Background: EPA Region IX has made a tentative decision to issue Marine Protection, Research and Sanctuaries Act (MPRSA) Section 102 permits to StarKist Samoa and VCS Samoa Packing. These special permits will allow the canneries to continue disposing of fish processing wastes off American Samoa at an ocean disposal site designated by EPA Region IX in February 1990. The special permits will cover a three-year period, from July 31, 1993 through July 31, 1996. Special conditions in the permits include: 1) waste stream limits, 2) monthly waste stream analyses and reports, 3) confirmatory bioassays and plume model analyses, 4) use of a computerized navigation system aboard a new disposal vessel, and 5) disposal site monitoring. The canneries have been disposing of fish processing wastes off American Samoa since 1979 without any significant adverse environmental effects.

Press Release Information

1. Permit applications by StarKist Samoa and VCS Samoa Packing found to be complete.
2. EPA Region IX's tentative decision is to issue three-year special MPRSA Section 102 permits to both canneries for the period July 31, 1993 through July 31, 1996.
3. Waste stream limits reduced for most parameters because the wastes have been characterized better by the canneries.
4. Confirmatory bioassays and new plume modeling work required because the waste streams are different than previous reports and a new disposal vessel, the FV TASMAN SEA, will be used to dispose of the wastes at the designated ocean disposal site.
5. A computerized navigation system is required to provide more accurate plots of the disposal vessel tracks.

Public Interest: Low

Staff Contact: Patrick Cotter (W-7-1), 4-1163

Division Dir.: Harry Seraydarian (W-1)

Attorney: None

Press Officer: Lois Grunwald (E-2), 4-1588

EPA REGION IX COMMUNICATION STRATEGY

Action: Public Notice of draft Marine Protection, Research and Sanctuaries Act Section 102 permits for StarKist Samoa and VCS Samoa Packing in American Samoa.

Projected

Announcement: Monday, June 7, 1993

Materials to be Prepared

A: Press Release
B: Draft MPRSA Section 102 Permits
C: Fact Sheet
D: Public Notice for Newspapers

By Whom:

Lois Grunwald
 Patrick Cotter
 Patrick Cotter
 Patrick Cotter

Note: Press Release at day 0 (June 7) after confirmation from newspapers that the Public Notice will be printed as requested.

AUDIENCE	DAY	EPA STAFF	METHOD	MATERIALS
Responsible Parties				
StarKist Foods	-9	Cotter	Phone/Mail	B,C,D
Van Camp Seafood	"	"	"	"
StarKist Samoa	-9	P. Young (E-4)	Ph./Ex.Mail	"
VCS Samoa Packing	"	"	"	"
Media				
American Samoa	0	Grunwald	PR News	A
Hawaii	"	"	"	"
Federal Elected Officials				
NA				
American Samoa Elected Officials				
NA				
Federal Agencies				
USCG Liaison Office, AS	-9	Young	Express Mail	B,C,D
USCG District, HI	-3	Cotter	Mail	"
DOI Territorial & Int. Affairs	"	"	"	"
NOAA Sanctuaries & Reserves	"	"	"	"
COE Honolulu District	"	"	"	"
USFWS HI	"	"	"	"
NOAA NMFS HI	"	"	"	"
FDA SSB	"	"	"	"
American Samoa Agencies				
Togipa Tasuga ASEPA	-9	Young	Express Mail	B,C,D
Lelei Peau, ASCMP	"	"	"	"
Ray Tulafona, ASMWR	"	"	"	"
Alfonso Galea'i, ASED	"	"	"	"
Malaestasi Togufau, ASAG	"	"	"	"
Local Elected Officials				
None				

AUDIENCE	DAY	EPA STAFF	METHOD	MATERIALS
Public Affairs None				
Public Interest Groups See mailing list	-3	Cotter	Mail	B,C,D
EPA Offices Oceans and Coastal Protection Division Regional Ocean Dumping Coordinators, Regions I, II, III, IV, VI and X PICO, Hawaii	-3 " "	Cotter " "	Mail " "	B,C,D " "
Other Persons to be Notified None				

NOTICE OF APPLICATION AND PROPOSED ACTION
U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA) REGION IX
75 HAWTHORNE STREET
SAN FRANCISCO, CALIFORNIA 94105-3901

Applications for Permits to Transport
and Dump Materials into Ocean Waters

Public Notice for Ocean Dumping Permit Numbers
OD 93-01 and OD 93-02

Pursuant to Section 102 of the Marine Protection, Research and Sanctuaries Act (MPRSA) of 1972, as amended (33 U.S.C. § 1401 et seq.) and 40 C.F.R. § 222.3 of EPA's Ocean Dumping Regulations (42 Fed. Reg. 2462, Jan. 11, 1977), notice is hereby given by this office of complete applications for permits to transport and dispose fish processing wastes into ocean waters of Tutuila Island, American Samoa. The permit applicants are: STARKIST SEAFOOD COMPANY, INC. (an affiliate of H.J. HEINZ COMPANY), 180 East Ocean Blvd., Long Beach, CA 90802-4797 and VAN CAMP SEAFOOD COMPANY, INC., 4510 Executive Dr., Suite 300, San Diego, CA 92121-3029, for their respective subsidiary companies: STARKIST SAMOA, INC., P.O. Box 368, Pago Pago, American Samoa 96799 and VCS SAMOA PACKING COMPANY, INC., P.O. Box 957, Pago Pago, American Samoa 96799.

EPA has made a tentative decision to issue special ocean dumping permits to StarKist Samoa and VCS Samoa Packing Company for a three-year period. The Agency has determined that these permits are required for ocean disposal of fish processing wastes produced at canneries in Pago Pago, American Samoa. The fish processing wastes to be disposed from StarKist Samoa are: dissolved air flotation (DAF) sludge, cooker juice and press liquor. The fish processing wastes to be disposed from VCS Samoa Packing are: DAF sludge, precooker water and press water. Based on dilution levels expected at the designated ocean disposal site, the fish processing wastes are not expected to cause significant long-term impacts to oceanic water quality, marine ecosystems or human health.

The fish processing wastes will be disposed at an ocean disposal site 5.45 nautical miles southeast of Tutuila Island. The ocean disposal site has center coordinates of 14° 24.00' South latitude by 170° 38.20' West longitude and a radius of 1.5 nautical miles. The water depth at the disposal site is about 9,000 feet. This site was designated for use on February 6, 1990 (55 Fed. Reg. 3948) and was used by the two American Samoa canneries for disposal of fish processing wastes under MPRSA § 102 special permits OD 90-01 (StarKist Samoa) and OD 90-02 (VCS Samoa Packing Company) for three years. No significant long-term environmental impacts were found at the site during site monitoring activities.

During the term of special permits OD 93-01 and OD 93-02, the permittees must continue monitoring programs for fish processing waste streams, disposal vessel navigation and monthly ocean disposal site monitoring. Information compiled during the term of these permits and any previous information about ocean disposal of fish processing wastes off

American Samoa will be used by EPA Region IX to determine compliance with EPA's Ocean Dumping Regulations defined at 40 C.F.R. Parts 220 through 228 and the Special MPRSA § 102 permits.

SUMMARY OF INFORMATION AND TENTATIVE DETERMINATION

DAF sludge is waste material that remains after treatment of fish processing wastes to remove grease and suspended particulate matter. DAF sludge also contains aluminum sulfate or alum (an odor reducing chemical) and coagulant polymers (to coagulate suspended matter) that are added during the waste treatment process. Cooker juice or precooker water is a combination of stick water and other process water that collects under the steam precookers at the fish plants. Press liquor or press water is waste water produced at the fish meal plants when fish scrap is cooked and pressed before being dried to produce livestock food meal.

There are no changes in the volumes of fish processing wastes proposed for disposal by either applicant. The proposed disposal volumes are:

Fish Processing Waste	StarKist Samoa (gallons/day)	VCS Samoa Packing (gallons/day)	Total Volume (gallons/day)
DAF Sludge	60,000	60,000	120,000
Cooker Juice	100,000	0	100,000
Precooker Water	0	100,000	100,000
Press Liquor	40,000	0	40,000
Press Water	0	40,000	40,000
Daily Maximum	200,000	200,000	400,000

Based on EPA Region IX's review of data collected under the previous MPRSA § 102 special permits, the following changes are proposed for the new permits: 1) new permit limits have been calculated which are mostly lower than the previous permit limits, 2) analysis of heavy metals in the waste streams has been deleted because data showed low concentrations of all analytes, 3) analysis of petroleum hydrocarbons in the waste streams has been deleted because fish oils interfere with this analysis, 4) a new disposal vessel (the FV TASMAN SEA) is authorized and a new set of bioassays and plume modeling are required to confirm that disposal operations are similar to the previous permitted actions, 5) a computerized navigation system is required to plot the course of the vessel accurately during disposal operations, and 6) new reporting forms have been developed to aid in reporting permit monitoring information. All other general and special conditions are similar to existing conditions in MPRSA § 102 special permits OD 90-01 and OD 90-02.

INITIATION OF HEARINGS AND PUBLIC COMMENTS

Within 30 days of the date of this notice, any person may request a public hearing to consider the issuance of, or the conditions to be imposed upon, these permits. Any such request for a public hearing must: 1) be in writing, 2) identify the person requesting the hearing, 3) state any objections to the issuance of, or to the conditions to be imposed upon, these permits, and 4) state the issues which are proposed to be considered at the hearing. Under 40 C.F.R § 222.4, the Regional Administrator's determination on whether to hold a public hearing shall be based on whether the request presents genuine issues of policy or facts amenable to resolution by public hearing.

Comments on the tentative determination and requests for public hearings may be submitted in writing within 30 days of the date of publication of this notice to: Ms. Janet Y. Hashimoto, Chief, Marine Protection Section (W-7-1), U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901, telephone (415) 744-1156.

The Administrative Record, which includes the applications, the draft permits, the fact sheet describing the permits and changes from special permits OD 90-01 and OD 90-02, is available for public review Monday to Friday from 9:00 a.m. to 4:00 p.m. at the: EPA Region IX Library, 13th Floor, 75 Hawthorne Street, San Francisco, CA, (415) 744-1510; EPA Pacific Island Contact Office, 300 Ala Moana Boulevard, Room 5124, Honolulu, HI, (808) 541-2710; and American Samoa EPA, Executive Office Building, Office of the Governor, Pago Pago, American Samoa, (684) 633-2304.

FACT SHEET
SPECIAL OCEAN DUMPING PERMITS
STARKIST SAMOA (OD 93-01) AND VCS SAMOA PACKING COMPANY (OD 93-02)
LOCATED IN PAGO PAGO, AMERICAN SAMOA

I. SUMMARY

The U.S. Environmental Protection Agency (EPA) Region IX has received complete applications from StarKist Samoa, Incorporated and VCS Samoa Packing Company, Incorporated for continued ocean disposal of fish processing wastes off Pago Pago, American Samoa. Disposal of fish processing wastes was permitted under two previous Marine Protection Research and Sanctuaries Act (MPRSA) § 102 Special Permits, OD 90-01 (StarKist Samoa) and OD 90-02 (VCS Samoa Packing). These permits began on July 31, 1990 and are effective until July 30, 1993. Disposal operations occurred at a designated site (55 FR 3948, February 6, 1990) located 5.45 nautical miles from land (14° 24.00' South latitude by 170° 38.20' West longitude) with a radius of 1.5 nautical miles in about 1,500 fathoms of water.

The Regional Administrator has tentatively decided to issue special ocean dumping permits (OD 93-01 and OD 93-02, respectively) to the applicants for ocean disposal of fish processing wastes over a three-year period. This decision has been made according to EPA's authority established in Title I of the Marine Protection, Research and Sanctuaries Act of 1972 (MPRSA) (33 U.S.C. section 1401 et seq.). Section 104B(k)(3)(B) of MPRSA contains an exclusion from the ban on disposal of industrial waste for tuna canneries in American Samoa.

The conditions and monitoring activities defined in OD 93-01 and OD 93-02 are similar to those in previous special and research ocean dumping permits. However, several changes have been made to: 1) permitted waste concentrations, 2) waste stream monitoring, 3) reporting requirements, and 4) disposal vessel operations. The changes are based on evaluation of waste stream data, confirmation of past toxicity tests and plume modeling and new navigation requirements for the disposal vessel.

EPA Region IX has tentatively decided to proceed with issuance of these special permits. Comments on our proposed action will be requested from the permit applicants, the American Samoa Government, Federal agencies, and the public as required under EPA's Ocean Dumping Regulations at 40 C.F.R Parts 220 through 228. Draft special permits and supporting documents are available for public review at the U.S. EPA's Regional Office in the Library on the 13th Floor at 75 Hawthorne Street, San Francisco, California; the U.S. EPA's Pacific Island Contact Office, 300 Ala Moana Boulevard, Honolulu, Hawaii; and the American Samoa Environmental Protection Agency, Executive Office Building, Office of the Governor, Pago Pago, American Samoa. These documents define the principal facts and significant legal, administrative and policy questions considered in the development of the special permits.

II. TENTATIVE DECISION

On December 8, 1992, StarKist Samoa and VCS Samoa Packing Company applied for ocean dumping permits to dispose of their fish cannery wastes at a designated ocean disposal site near Pago Pago, American Samoa. The designated site, used for the past 3 years by both canneries, is located 5.45 nautical miles from land (14° 24.00' South latitude by 170° 38.20' West longitude) with a radius of 1.5 nautical miles in 1,502 fathoms of water [40 C.F.R. § 228.12(b)(74)]. EPA Region IX is planning to grant their applications by issuing a special ocean dumping permit to each cannery which will last for three years.

Current information indicates that disposal of fish processing wastes at the designated site complies with EPA's Ocean Dumping Regulations at 40 C.F.R. Parts 227 and 228. Information obtained during the term of the special permits will be used to evaluate whether the disposal of fish processing wastes continues to comply with criteria defined in EPA's Ocean Dumping Regulations. The permittees must conduct a site monitoring program, including field and laboratory analyses. Results of the monitoring program will be used to document the extent of effects at the ocean disposal site and whether the dumping continues to comply with EPA's Ocean Dumping Regulations.

The proposed dumping during the term of the special permits is expected to have minimal impacts on human health and/or the marine environment, as demonstrated by the monitoring results of the previous special and research ocean dumping permits. The primary environmental impact of the proposed discharges would be short-term increases in turbidity, inorganic nutrients, oil and grease, and ammonia during the dumping events.

Past monitoring studies on the disposal of fish processing wastes off American Samoa show that water quality parameters return to ambient conditions at the boundary of the disposal site following the four hour period of initial mixing (40 C.F.R. § 227.29). To be certain that American Samoa Water Quality Standards would not be violated by the disposal of fish processing wastes, the center of the disposal site was designated 5.45 nautical miles offshore, and restrictive disposal rates and limitations on the waste material constituents are included in the special ocean dumping permits.

III. TERMS OF THE PERMIT

Special ocean dumping permits OD 93-01 and OD 93-02 are similar to OD 90-01 and OD 90-02, except those changes outlined above. The permittees have been disposing of fish cannery wastes, monitoring the waste streams and the disposal site according to the specifications of the past special and research permits.

A. Volumes of Waste Material Proposed for Ocean Disposal

Table 1. Volumes of Fish Processing Waste Authorize for Daily Disposal (see Special Condition 2.3 in both permits).

Fish Processing Waste	StarKist Samoa (gallons/day)	VCS Samoa Packing (gallons/day)	Total Volume (gallons/day)
DAF Sludge	60,000	60,000	120,000
Cooker Juice	100,000	0	100,000
Precooker Water	0	100,000	100,000
Press Liquor	40,000	0	40,000
Press Water	0	40,000	40,000
Daily Maximum	200,000	200,000	400,000

B. Waste Material Limitations in the Proposed Permits (see Special Condition 2.4 in both permits).

Table 2. Fish Processing Waste Limits for the StarKist Samoa's Permit #OD 93-01.

Physical or Chemical Parameter (units)^a	DAF Sludge	Cooker Juice	Press Liquor
Total Solids (mg/L)	163,430	114,180	327,870
Total Volatile Solids (mg/L)	136,180	63,400	292,280
5-Day BOD (mg/L)	232,320	185,150	310,790
Oil and Grease (mg/L)	64,100	11,810	112,080
Total Phosphorus (mg/L)	1,640	940	3,160
Total Nitrogen (mg/L)	7,020	7,560	20,360
Ammonia (mg/L)	1,830	690	1,390
pH (pH units)	5.3 to 6.5	5.9 to 6.3	5.8 to 6.5
Density (g/mL)	0.97 to 1.06	0.98 to 1.06	0.99 to 1.08

a = All calculated values were rounded to the nearest 10, except the density and pH ranges.

Table 3. Fish Processing Waste Limits for the VCS Samoa Packing's Permit #OD 93-02.

Physical or Chemical Parameter (units)_a	DAF Sludge	Precooker Water	Press Water
Total Solids (mg/L)	461,790	115,180	381,510
Total Volatile Solids (mg/L)	455,560	84,450	409,310
5-Day BOD (mg/L)	349,350	64,650	365,550
Oil and Grease (mg/L)	395,700	11,180	165,860
Total Phosphorus (mg/L)	3,790	1,850	2,950
Total Nitrogen (mg/L)	21,820	12,830	35,100
Ammonia (mg/L)	3,470	410	830
pH (pH units)	4.8 to 7.0	5.5 to 6.6	5.5 to 6.8
Density (g/mL)	0.86 to 1.05	0.95 to 1.06	0.96 to 1.06

a = All calculated values were rounded to the nearest 10, except the density and pH ranges.

C. Calculation of Permit Limits

1. Data from the previous special ocean dumping permit issued to each cannery were used to calculate all permit limits. The data for each cannery were evaluated separately.
2. The following calculations were made for each set of data using the LOTUS-123 spreadsheet program, version 2.2: maximum and minimum levels; mean, standard deviation and the number of data points.
3. Any data values greater than or less than the mean plus or minus 3 standard deviations, were considered to be outliers. Outlier data points were not used in the permit limit calculations.
4. All procedures for calculating permit limits are discussed in Sections 3.1.1 and 3.1.2 (pages 3-1 to 3-9) of EPA's Guidance Document for Ocean Dumping Permit (January 30, 1988).
 - a. The mean and standard deviation of each physical or chemical parameter were calculated by the following equations:

$$\text{Mean}_x = \frac{\sum x_i}{N}$$

x_i = each value for the i th constituent
 N = the number of data points reported

$$\text{Standard Deviation}_x = \frac{\sum \{x_i - \text{Mean}_x\}^2}{N - 1}$$

- b. The permit limit (Upper Limit) was determined by taking the mean and adding the product of a constant multiplied by the standard deviation.

$$\text{Upper Limit}_x = \text{Mean}_x + (k \times \text{Standard Deviation}_x)$$

k = a constant from Table 3-2 in EPA's 1988 Guidance Document.

- c. The constant (k) is based on N and two variables, probability (Γ) and proportion (P), used to compute permit limits. In this case, all limits were calculated with $\gamma = 0.95$ and $P = 0.95$.

IV. FACTORS CONSIDERED IN REACHING THE PERMIT DECISIONS

A. Overview of Disposal Operations

The two fish canneries in American Samoa, StarKist Samoa and VCS Samoa Packing Company, propose to dispose of fish processing wastes at an ocean dump site centered approximately 5.45 nautical miles south of Tutuila Island in 1,502 fathoms of water. The center coordinates of the site are: 14° 24.00' South latitude by 170° 38.20' West longitude. The fish processing wastes will be transported to the upcurrent quadrant of the site and discharged at a rate less than or equal to 1,400 gallons per minute, depending on the season, at a maximum speed of 10 knots (see Special Condition 4.4.1). The disposal vessel will discharge the fish processing wastes along an oval-shaped track with the center axis of the oval perpendicular to the current direction. All disposal will occur within the boundary of the designated ocean disposal site.

On each trip, the master of the disposal vessel will document current direction at the center of the disposal site. He will then proceed to a point 1.1 nautical miles upcurrent of the prevailing surface current to discharge the waste. The fish processing wastes may be discharged only after this procedure has been conducted. This will ensure that the waste plume has an adequate area for mixing within the disposal site boundary.

Receiving waters at the disposal site are outside the American Samoa territorial sea. Though the ocean disposal site is outside these waters, the MPRSA § 102 special permits are designed to comply with oceanic water quality standards defined in § 24.0207(g)(1-7) of the American Samoa Water Quality Standards (see Table 1 under General Condition 1.5). This

will ensure that oceanic waters inside American Samoa's territorial sea are not affected by the ocean disposal operations. Four hours after dumping has ceased, concentrations of the fish processing wastes must reach ambient levels (40 C.F.R. section 227.29) at the disposal site boundary. Disposal site monitoring requirements are contained in the special permits. EPA Region IX will evaluate potential impacts to water quality based on the site monitoring reports.

B. Changes from the Previous MPRSA § 102 Special Permits

1. A new ocean disposal vessel will be authorized for the 1993 special permits (see page 1 of each permit). The MV ASTRO will be replaced by the FV TASMAN SEA (formerly the FV BLUE NORTH). The new disposal vessel is owned by Blue North Fisheries, Inc., at 1130 N.W. 45th Street, Seattle, WA 98107-4626.
2. EPA Region IX reviewed 29-30 months of waste stream monitoring data submitted by each permittee. The characteristics of the waste streams at the two canneries are entirely different; therefore, separate permits were necessary. Appendix A of this fact sheet contains the tables used to calculate the new permit limits for each permittee's waste stream defined in Section III.B above. The last part of each table shows the numerical changes from the previous special permits compared to the proposed special permits.
 - a. In general, most of the limits for StarKist Samoa's waste stream were reduced (see Appendix A, Tables 1-3). Some limits were reduced as much as 90%. The only exceptions are: Cooker Juice oil and grease (+145%), Press Liquor total solids (+21%), Press Liquor total phosphorus (+59%), and Press Liquor oil and grease (+80%). These increases in the waste stream limits are required because earlier waste stream data do not reflect the present waste stream characteristics.
 - b. Similarly, most of the limits for VCS Samoa Packing's waste streams were reduced (see Appendix A, Tables 4-6). Some limits were reduced as much as 85%. The only exceptions are: DAF Sludge total nitrogen (+46%), DAF Sludge oil and grease (+40%), DAF Sludge total volatile solids (+48%), DAF Sludge ammonia (+35%), Precooker Water 5-day biological oxygen demand (+7%), Press Water total nitrogen (+10%) and Press Water total volatile solids (+6%). These increases in the waste stream limits are required because earlier waste stream data did not properly characterize these waste streams.
3. Reports analyzing metal and petroleum hydrocarbon concentrations in the waste streams were submitted by StarKist Samoa (July 29, 1993) and VCS Samoa Packing (July 31, 1993). These reports were required under Special Condition 3.3.5 in the previous MPRSA § 102 special permits. EPA Region IX reviewed the permittees' analyses of metal and petroleum hydrocarbon concentrations and the permittees' explanation of the sources. The reports document low concentrations of metals and petroleum hydrocarbons for each waste stream.

EPA Region IX reviewed data submitted with the last 29-30 months of reports and we found low concentrations of metals in the waste streams. Table 4 below displays the mean and standard deviation for the concentrations listed in the tables of Appendix A. High values of aluminum in the DAF Sludge are expected because aluminum sulfate is added as an odor reducing agent. The high values for petroleum hydrocarbons are most likely a result of interference in the analysis by high concentrations of fish oils.

Table 4. Concentrations of Metals and Total Recoverable Petroleum Hydrocarbons in StarKist Samoa (SK) and VCS Samoa Packing (VCS) Waste Streams Reported for MPRSA § 102 Permits OD 90-01 and OD 90-02.

DAF	Al (mg/L)	Cr (mg/L)	Ni (mg/L)	Cu (mg/L)	Pb (mg/L)	Cd (mg/L)	Hg (mg/L)	TRPH (mg/L)
SK Mean	473.00	0.88	0.74	4.70	0.95	0.24	0.009	1924.00
SK SD	336.00	0.42	0.40	2.78	0.74	0.13	0.006	841.00
VCS Mean	86.00	2.10	2.06	6.08	2.81	0.86	0.016	13393.00
VCS SD	59.00	1.14	1.71	3.26	1.96	0.61	0.010	9339.00
CJ - PC								
SK Mean	1.12	0.12	0.26	0.37	0.17	0.20	0.006	64.00
SK SD	0.90	0.06	0.22	0.11	0.14	0.06	0.002	26.00
VCS Mean	1.02	0.13	0.25	0.29	0.23	0.19	0.004	119.00
VCS SD	0.67	0.05	0.21	0.13	0.24	0.10	0.002	94.00
PL - PW								
SK Mean	1.81	0.15	0.32	.090	0.23	0.49	0.017	961.00
SK SD	1.12	0.07	0.24	0.37	0.22	0.22	0.008	531.00
VCS Mean	0.95	0.17	0.29	0.49	0.28	0.21	0.006	2471.00
VCS SD	0.57	0.10	0.24	0.18	0.24	0.09	0.002	2478.00

DAF = Dissolved Air Flotation Sludge

CJ - PC = StarKist Samoa Cooker Juice and VCS Samoa Packing Precooker Water

PL - PW = StarKist Samoa Press Liquor and VCS Samoa Packing Press Water

SD = Standard Deviation

EPA Region IX determined that these levels do not pose a significant risk to the marine environment or human health based on the design of disposal operations and dilution at the disposal site. Therefore, requirements to analyze metals and petroleum hydrocarbons in the permittees' waste streams have been deleted from the new permits.

4. Two new data reporting forms were developed for the 1993 ocean dumping permits (see Appendix B of each permit). These forms, and data submitted on a computer diskette compatible with EPA Region IX's computer system, will streamline the 6-month data reporting requirements.
5. The canneries must conduct confirmatory suspended particulate phase bioassays within one year of the effective date of the permit (see Special Condition 3.3.5). These tests are required because the nature of the fish processing wastes has changed from the initial characterization of the waste streams conducted more than 5 years ago. Results of the new bioassays will be used to calculate new Limiting Permissible Concentration (LPC) values. The new LPC values will be used to rerun the plume model used to predict dilution and discharge rates at the ocean disposal site. A report will be prepared by each permittee discussing the test procedures and results of the bioassay tests and new model runs. EPA Region IX will review the report to determine whether any changes in the ocean dumping permits are necessary.
6. A computerized navigation system is specified in Special Condition 4.3.4 and 4.5 to simplify plotting of the disposal vessel's track once inside the ocean disposal site and during disposal operations. This system will provide a continuous plot of the disposal vessel's track and a hard copy of each plot will be sent with the 6-month report.

V. EPA'S AUTHORITY TO ISSUE OCEAN DUMPING PERMITS

- A. EPA's authority to issue special ocean dumping permits is defined under Title I of MPRSA and at 40 C.F.R. § 220.4. The authority to issue special permits was delegated to the Regional Administrator on January 11, 1977 (42 FR 2462). The Regional Administrator's authority to issue special permits was redelegated to the EPA Region IX Water Division Director on January 25, 1982 (EPA Region IX Order R1250.5A).
- B. Section 102 of MPRSA authorizes EPA to issue permits for ocean dumping. The Agency must determine that the proposed dumping will not unreasonably degrade or endanger human health, welfare, or amenities, or the marine environment, ecological systems, or economic potentialities. In addition to these requirements, EPA must evaluate each permit application to determine whether the dumping will comply with the criteria at 40 C.F.R. Part 227 and whether the designated site complies with the criteria at 40 C.F.R. Part 228.
- C. The American Samoa Fish Processing Waste disposal site was designated, through the publication of a Final Rule, on February 6, 1990 (55 FR 3948) at 40 C.F.R. § 228.12(b)(74). The designation process consisted of publication of an environmental impact statement (EIS) according to EPA's voluntary EIS policy. The draft EIS for this project was published on September 16, 1988 (53 FR 38118) and a final EIS was published on March 3, 1989 (54 FR 9083). The final rule designating the ocean disposal site was published on February 6, 1990 (55 FR 3948).

- D. EPA Region IX will periodically evaluate the special permits to determine whether the fish canneries disposal operations comply with the special permit conditions. If unacceptable impacts are detected at the site (40 C.F.R. section 228.10), or significant permit violations are found, EPA will determine whether use of the site should be restricted (40 C.F.R. sections 228.10 and 228.11), or whether enforcement actions should be initiated under MPRSA § 105.

VI. ADMINISTRATIVE PROCEDURES AND THE PUBLIC HEARING PROCESS

- A. The processing of an ocean dumping permit consists of the following actions:

1. EPA receives a completed application (40 C.F.R. § 221).
2. EPA issues a tentative decision whether to grant or deny the special permit (40 C.F.R. § 222.2). A draft permit is the means by which EPA documents the intent to grant an ocean dumping permit.
3. A public notice is issued to announce EPA's intent to issue the permit (40 C.F.R. § 222.3). The notice contains the following elements: summary, tentative determination, factors considered in reaching the tentative determination, hearing process, and the location of all information on the draft permit. Public notices describing EPA's intent to issue a permit are published in a daily newspaper in closest proximity to the proposed dump site and in a daily newspaper in the city in which EPA's Regional Office is located.
4. Before a final decision can be made on the special permit, formal consultation must be documented with the following agencies: American Samoa Government, U.S. Army Corps of Engineers, U.S. Coast Guard, National Marine Fisheries Service, U.S. Fish and Wildlife Service and the Shellfish Sanitation Branch of the Food and Drug Administration.

B. Initiation of a Public Hearing

1. Within 30 days of the date of the public notice, any person may request a public hearing to consider issuance or denial of the special permit or conditions to be imposed upon this permit. Any request for a hearing must be made in writing; must identify the person requesting the hearing; and must clearly state any objections to issuance or denial of the permit or to the conditions to be imposed upon the permit, and the issues to be considered at the hearing. According to 40 C.F.R. § 222.4, the Regional Administrator may schedule a hearing, at his discretion, based on genuine issues presented in the written request.
2. Upon receipt of a written request presenting genuine issues amenable to resolution by a public hearing, the Regional Administrator may determine a time and place for the hearing and publish a notice of the hearing. All interested parties will be invited to express their views on the proposed

issuance or denial of the permit at the hearing if one is held. If a request for a public hearing is made within 30 days of the date of this notice and does not meet the above criteria, the Regional Administrator must advise the requesting person of his decision to deny the hearing in writing and proceed to rule on the application.

3. Following adjournment of the public hearing, the Presiding Officer, appointed by the Regional Administrator, prepares written recommendations about the issuance, denial or conditions to be imposed upon the permit after full consideration of the views and arguments expressed at the hearing (40 C.F.R. §§ 222.6 through 222.8). The Presiding Officer's recommendations and the record of the hearing are forwarded to the Regional Administrator within 30 days of the hearing.
4. The Regional Administrator makes a determination whether to issue, deny or impose conditions on the permit within 30 days of receipt of the Presiding Officer's recommendations. He must give written notice of the decision to any person appearing at the public hearing (40 C.F.R. § 222.9).
5. A final permit becomes effective 10 days after issuance, if no requests for an adjudicatory hearing are received. Requests for an adjudicatory hearing may be made to the Regional Administrator within 10 days of receipt of the notice to issue or deny the permit (40 C.F.R. § 222.10 and § 222.11). An appeal of the Regional Administrator's adjudicatory hearing decision may be made in writing to the Administrator of EPA within 10 days following receipt of the Regional Administrator's determination on the need for an adjudicatory hearing (40 C.F.R. § 222.12).

VII. ADDITIONAL INFORMATION

For further information on the special permits, requests for copies of the permits or questions pertaining to MPRSA regulations, please contact either of the following people at EPA Region IX:

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75 Hawthorne Street
San Francisco, California 94105-3901
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U.S. Environmental Protection Agency
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APPENDIX A

FACT SHEET

**WASTE STREAM DATA
FROM STARKIST SAMOA AND VCS SAMOA PACKING**

Table 1. StarKist Samoa DAF Sludge Data from August 1990 to January 1993 under OD 90-01.

Month	Total Solids (mg/L)	5-Day Biological Oxygen Demand (mg/L)	Total Phosphorus (mg/L)	Total Nitrogen (mg/L)	Oil and Grease (mg/L)	pH (pH units)	Total Volatile Solids (mg/L)	Density (g/mL)	Ammonia (mg/L)
AUG 1990	113,000	172,000	1,018	<u>*21,000</u>	39,000	5.55	87,000	1.04	1,800
SEP 1990	117,000	135,000	1,468	6,600	32,000	5.66	90,000	1.02	<u>*5,485</u>
OCT 1990	44,000	121,500	527	2,100	13,000	6.07	23,000	1.03	<u>*3,200</u>
NOV 1990	60,000	73,500	1,513	500	24,000	5.75	34,000	1.02	247
DEC 1990	118,000	62,000	950	2,567	59,000	6.39	88,000	1.00	2,120
JAN 1991	176,500	136,500	610	3,983	48,000	6.37	150,500	1.01	1,543
FEB 1991	52,000	28,500	285	2,900	8,500	5.85	30,000	1.01	1,800
MAR 1991	121,000	175,500	1,370	4,400	25,000	5.57	93,000	1.03	670
APR 1991	61,000	242,750	547	2,400	17,000	5.72	37,000	1.02	923
MAY 1991	163,000	183,000	1,080	7,600	65,000	5.51	139,000	1.02	747
JUN 1991	77,000	137,500	820	2,840	14,000	6.28	56,000	1.02	300
JUL 1991	87,000	174,500	900	4,200	20,000	5.82	65,000	1.02	580
AUG 1991	74,000	174,500	493	6,100	18,000	5.95	53,000	1.00	530
SEP 1991	122,000	208,000	660	3,900	59,000	5.73	100,000	1.03	630
OCT 1991	64,000	68,400	840	3,040	23,500	5.90	44,000	1.02	500
NOV 1991	95,000	50,087	904	3,250	14,000	6.12	74,000	1.04	390
DEC 1991	99,000	28,333	865	2,420	9,000	5.68	49,000	1.02	364
JAN 1992	55,000	78,634	570	1,780	11,400	5.85	30,000	1.01	190
FEB 1992	48,600	14,751	593	1,600	11,000	6.01	29,000	1.02	222
MAR 1992	41,000	40,262	213	630	9,400	5.80	26,000	1.00	170
APR 1992	115,000	119,225	480	580	33,100	5.72	101,000	0.97	472
MAY 1992	35,000	54,097	460	1,350	11,000	6.60	22,000	0.98	440
JUN 1992	91,000	74,725	1,370	3,420	39,600	6.11	77,000	0.98	357
JUL 1992	59,500	101,883	700	5,850	19,600	5.95	35,600	0.97	880
AUG 1992	48,000	48,500	750	1,640	12,500	5.64	38,000	1.02	110
SEP 1992	52,100	59,054	1,180	3,000	14,000	5.90	35,500	1.01	500

Month	Total Solids (mg/L)	5-Day Biological Oxygen Demand (mg/L)	Total Phosphorus (mg/L)	Total Nitrogen (mg/L)	Oil and Grease (mg/L)	pH (pH units)	Total Volatile Solids (mg/L)	Density (g/mL)	Ammonia (mg/L)
OCT 1992	110,000	56,074	1,670	4,800	24,000	6.12	82,000	<u>0.93</u>	927
NOV 1992	106,000	64,348	660	2,300	64,300	5.63	84,700	0.99	490
DEC 1992	91,300	58,193	990	1,830	30,100	5.68	62,100	1.03	240
JAN 1993	71,100	60,319	570	3,000	23,100	5.73	47,000	1.05	250
Maximum	176,500	242,750	1,670	7,600	65,000	6.6	150,500	1.05	2,120
Minimum	35,000	14,751	213	500	8,500	5.5	22,000	0.97	110
Number	30	30	30	29	30	30	30	29	28
Mean	85,570	100,055	835	3,123	26,370	5.9	62,747	1.01	657
Std. Dev.	35,073	59,579	364	1,756	16,996	0.3	33,077	0.02	526
Outlier +	190,788	278,791	1,928	8,391	77,358	6.7	161,977	1.07	2,235
Outlier -	-19,648	-78,682	-257	-2,144	-24,618	5.1	-36,483	0.95	-921

DAF Sludge Data With Outliers Removed and Recommended Permit Limits

Number	30	30	30	29	30	30	30	29	28
Mean	85,570	100,055	835	3,123	26,370	5.9	62,747	1.01	657
Std. Dev.	35,073	59,579	364	1,756	16,996	0.3	33,077	0.02	526
Upper Limit	163,432	232,319	1,644	7,021	64,101	5.3	136,177	1.06	1,825
Lower Limit						6.5		0.97	
Rounded Limit	163,430	232,320	1,640	7,020	64,100		136,180		1,830

MPRSA Section 102 Special Permit #OD 90-01 DAF Sludge Limits

Upper Limit	230,460	376,520	3,050	18,100	129,590	5.5	182,210	1.07	7,500
Lower Limit						7.0		0.92	

Changes in DAF Sludge Limits from OD 90-01 to OD 93-01

Upper Limit	-67,030	-144,200	-1,410	-11,080	-65,490	-0.2	-46,030	-0.01	-5,670
Percent Change	-29	-38	-46	-61	-51	-4	-25	-1	-76
Lower Limit						-0.5		0.05	
Percent Change						-7		5	

* = Violation of MPRSA § 102 Permit #OD 90-01, NA = Not Available, Underlined Value = Outlier not included in limit calculations.

Table 2. StarKist Samoa Cooker Juice Data from August 1990 to January 1993 under OD 90-01.

Month	Total Solids (mg/L)	5-Day Biological Oxygen Demand (mg/L)	Total Phosphorus (mg/L)	Total Nitrogen (mg/L)	Oil and Grease (mg/L)	pH (pH units)	Total Volatile Solids (mg/L)	Density (g/mL)	Ammonia (mg/L)
AUG 1990	58,000	98,000	647	5,200	600	6.09	42,000	1.02	<u>3,865</u>
SEP 1990	34,000	107,500	430	4,000	2,500	6.26	25,000	1.00	<u>1,695</u>
OCT 1990	56,000	69,000	530	4,300	960	6.30	41,000	1.02	<u>3,850</u>
NOV 1990	66,000	56,000	824	4,700	1,300	5.98	49,000	1.03	238
DEC 1990	42,000	47,000	802	4,300	500	6.08	28,000	1.00	406
JAN 1991	43,500	64,500	293	3,251	2,990	6.05	30,500	1.01	236
FEB 1991	31,000	25,500	360	2,200	610	5.92	20,000	1.01	130
MAR 1991	56,000	158,000	590	5,200	410	6.04	38,000	1.02	215
APR 1991	55,000	198,250	616	4,900	2,200	6.16	37,000	1.02	761
MAY 1991	60,000	171,500	785	5,930	350	6.12	40,000	1.01	139
JUN 1991	56,000	111,250	580	5,110	690	6.32	39,000	1.02	260
JUL 1991	43,000	152,000	520	3,400	2,200	6.19	30,000	1.01	270
AUG 1991	74,500	165,000	632	6,100	4,300	6.02	51,000	0.99	295
SEP 1991	79,000	137,500	810	5,200	1,400	6.07	51,000	1.06	326
OCT 1991	129,000	85,050	500	6,270	*12,600	5.98	<u>102,000</u>	1.03	270
NOV 1991	48,000	35,541	541	3,280	2,300	6.11	33,000	1.01	170
DEC 1991	79,000	35,333	728	5,080	*13,400	5.98	56,000	1.02	262
JAN 1992	88,000	86,186	710	5,900	2,100	6.08	56,000	1.04	300
FEB 1992	57,000	39,837	594	4,600	*6,800	6.26	35,000	1.02	762
MAR 1992	63,000	45,016	585	4,480	2,600	6.06	44,000	1.03	380
APR 1992	72,200	54,947	690	5,900	*9,000	6.06	53,500	1.00	350
MAY 1992	68,000	44,799	680	5,900	4,000	6.14	48,000	1.02	220
JUN 1992	58,000	43,429	457	5,330	<u>93</u>	6.07	34,000	1.03	348
JUL 1992	76,800	60,002	540	6,390	*12,600	6.01	55,500	1.03	220
AUG 1992	71,000	50,346	830	6,460	2,820	5.86	44,000	0.98	440
SEP 1992	61,500	43,628	650	6,480	790	6.12	50,600	0.99	220

Month	Total Solids (mg/L)	5-Day Biological Oxygen Demand (mg/L)	Total Phosphorus (mg/L)	Total Nitrogen (mg/L)	Oil and Grease (mg/L)	pH (pH units)	Total Volatile Solids (mg/L)	Density (g/mL)	Ammonia (mg/L)
OCT 1992	62,000	47,067	756	5,600	1,700	6.21	42,000	1.06	228
NOV 1992	78,200	35,976	640	<u>9,500</u>	2,010	6.10	53,900	1.04	690
DEC 1992	72,000	47,263	860	6,630	340	5.98	41,300	1.01	190
JAN 1993	131,000	56,181	690	6,100	<u>*23,000</u>	6.05	<u>103,000</u>	1.01	300
Maximum	131,000	198,250	860	6,630	13,400	6.3	56,000	1.06	762
Minimum	31,000	25,500	293	2,200	340	5.9	20,000	0.98	130
Number	30	30	30	29	28	30	28	30	27
Mean	65,623	79,053	629	5,110	3,360	6.1	41,725	1.02	319
Std. Dev.	21,870	47,792	139	1,105	3,808	0.1	9,765	0.02	165
Outlier +	131,232	222,429	1,045	8,426	14,784	6.4	71,019	1.07	816
Outlier -	14	-64,322	213	1,794	-8,065	5.8	12,431	0.96	-177

Cooker Juice Data With Outliers Removed and Recommended Permit Limits

Number	30	30	30	29	28	30	28	30	27
Mean	65,623	79,053	629	5,110	3,360	6.1	41,725	1.02	319
Std. Dev.	21,870	47,792	139	1,105	3,808	0.1	9,765	0.02	165
Upper Limit	114,174	185,151	937	7,564	11,814	5.9	63,402	1.06	687
Lower Limit						6.3		0.98	
Rounded Limit	114,180	185,150	940	7,560	11,810		63,400		690

RSA Section 102 Special Permit #OD 90-01 Cooker Juice Limits

Upper Limit	158,290	365,450	1,150	21,380	4,830	5.5	146,900	1.06	21,200
Lower Limit						7.0		0.97	

Changes in Cooker Juice Limits from OD 90-01 to OD 93-01

Upper Limit	-44,110	-180,300	-210	-13,820	6,980	0.4	-83,500	0.00	-20,510
Percent Change	-28	-49	-18	-65	145	6	-57	0	-97
Lower Limit						-0.7		0.01	
Percent Change						-10		1	

* = Violation of MPRSA § 102 Permit #OD 90-01, NA = Not Available, Underlined Value = Outlier not included in limit calculations.

Table 3. StarKist Samoa Press Liquor Data from August 1990 to January 1993 under OD 90-01.

Month	Total Solids (mg/L)	5-Day Biological Oxygen Demand (mg/L)	Total Phosphorus (mg/L)	Total Nitrogen (mg/L)	Oil and Grease (mg/L)	pH (pH units)	Total Volatile Solids (mg/L)	Density (g/mL)	Ammonia (mg/L)
AUG 1990	245,000	164,000	*2,030	23,000	50,000	5.93	221,000	1.04	<u>9,300</u>
SEP 1990	260,000	189,000	*2,242	12,400	*120,000	6.08	244,000	1.03	<u>3,845</u>
OCT 1990	245,000	157,500	654	10,000	*83,000	6.28	230,000	<u>0.94</u>	<u>3,050</u>
NOV 1990	200,000	158,500	1,105	8,800	*89,000	6.25	180,000	1.03	360
DEC 1990	205,000	143,000	1,257	9,650	54,000	6.28	184,000	1.04	565
JAN 1991	207,000	161,500	648	14,487	50,500	6.16	187,000	1.02	360
FEB 1991	190,000	138,000	1,850	11,000	40,000	6.22	165,000	1.06	280
MAR 1991	250,000	241,000	1,590	10,600	60,000	6.03	231,000	1.05	350
APR 1991	210,000	327,375	1,120	13,900	*72,000	6.15	185,000	1.02	943
MAY 1991	231,000	76,500	*2,430	13,000	*63,000	6.10	201,000	1.02	1,030
JUN 1991	178,000	270,500	1,540	10,200	45,000	6.21	159,000	1.01	510
JUL 1991	242,000	183,000	*2,200	11,400	41,000	6.34	216,000	1.07	800
AUG 1991	146,000	212,000	1,000	10,500	32,000	6.11	129,000	0.97	325
SEP 1991	155,000	230,500	1,300	7,400	38,000	5.95	127,000	1.04	495
OCT 1991	149,000	137,200	1,470	10,700	28,100	5.99	121,000	1.00	530
NOV 1991	76,000	73,928	800	6,000	8,400	6.08	54,000	1.03	280
DEC 1991	240,000	116,033	*2,180	14,100	43,800	5.95	212,000	1.02	503
JAN 1992	237,000	287,080	1,900	12,600	43,000	6.25	206,000	1.04	890
FEB 1992	224,000	131,039	1,660	11,600	47,000	6.22	203,000	1.04	782
MAR 1992	271,000	189,000	*3,620	13,600	*53,000	6.45	229,000	1.03	1,490
APR 1992	256,000	220,167	1,600	14,100	*80,400	6.30	232,000	1.04	1,160
MAY 1992	*288,000	253,917	1,600	13,000	*114,500	6.13	224,000	1.06	370
JUN 1992	198,000	256,800	1,350	13,600	50,500	6.19	172,000	1.04	247
JUL 1992	116,000	124,542	760	9,160	30,600	6.02	90,300	1.02	240
AUG 1992	190,000	159,667	1,940	13,700	*91,000	5.95	122,000	1.03	520
SEP 1992	203,000	189,933	1,490	17,800	52,700	6.26	179,000	1.01	660

Month	Total Solids (mg/L)	5-Day Biological Oxygen Demand (mg/L)	Total Phosphorus (mg/L)	Total Nitrogen (mg/L)	Oil and Grease (mg/L)	pH (pH units)	Total Volatile Solids (mg/L)	Density (g/mL)	Ammonia (mg/L)
OCT 1992	49,000	133,347	633	5,200	18,000	6.52	37,000	1.04	1,080
NOV 1992	171,000	142,510	1,070	6,700	*75,500	6.08	152,000	1.02	1,160
DEC 1992	268,000	163,470	*3,100	19,200	49,500	5.95	217,000	1.05	1,000
JAN 1993	240,000	157,000	*2,300	15,300	59,900	6.18	192,000	1.06	550
Maximum	288,000	327,375	3,620	23,000	120,000	6.5	244,000	1.07	1,490
Minimum	49,000	73,928	633	5,200	8,400	5.9	37,000	0.97	240
Number	30	30	30	30	30	30	30	29	27
Mean	204,667	179,600	1,615	12,090	56,113	6.2	176,710	1.03	647
Dev.	55,497	59,096	697	3,725	25,212	0.1	52,059	0.02	335
Outlier +	371,159	356,887	3,705	23,265	131,750	6.6	332,887	1.09	1,651
Outlier -	38,175	2,314	-476	915	-19,523	5.7	20,533	0.97	-356
Press Liquor Data With Outliers Removed and Recommended Permit Limits									
Number	30	30	30	30	30	30	30	29	27
Mean	204,667	179,600	1,615	12,090	56,113	6.2	176,710	1.03	647
Std. Dev.	55,497	59,096	697	3,725	25,212	0.1	52,059	0.02	335
Upper Limit	327,871	310,792	3,162	20,359	112,084	5.8	292,281	1.08	1,390
Lower Limit						6.5		0.99	
Rounded Limit	327,870	310,790	3,160	20,360	112,080		292,280		1,390
* MPRSA Section 102 Special Permit #OD 90-01 Press Liquor Limits									
Upper Limit	271,920	399,090	1,990	31,550	62,150	5.5	385,630	1.07	21,170
Lower Limit						7.0		0.96	
Changes in Press Liquor Limits from OD 90-01 to OD 93-01									
Upper Limit	55,950	-88,300	1,170	-11,190	49,930	0.3	-93,350	0.01	-19,780
Percent Change	21	-22	59	-35	80	6	-24	1	-93
Lower Limit						-0.5		0.03	
Percent Change						-7		3	

* = Violation of MPRSA § 102 Permit #OD 90-01, NA = Not Available, Underlined Value = Outlier not included in limit calculations.

Table 4. VCS Samoa Packing DAF Sludge Data from August 1990 to December 1992 under OD 90-02.

Month	Total Solids (mg/L)	5-Day Biological Oxygen Demand (mg/L)	Total Phosphorus (mg/L)	Total Nitrogen (mg/L)	Oil and Grease (mg/L)	Total Volatile Solids (mg/L)	Density (g/mL)	Ammonia (mg/L)	pH (pH units)
AUG 1990	140,000	140,000	2,050	6,800	11,500	130,000	0.97	*3,050	6.8
SEP 1990	41,500	97,000	405	4,900	20,000	30,000	1.02	*3,650	6.8
OCT 1990	142,000	286,000	820	7,900	108,000	129,000	0.99	*2,800	6.9
NOV 1990	150,000	96,000	770	2,900	39,000	141,000	0.87	310	*5.3
DEC 1990	168,000	NA	1,900	*15,400	60,000	158,000	0.98	1,600	6.3
JAN 1991	105,000	NA	3,350	NA	74,180	76,000	0.95	*3,000	6.2
FEB 1991	179,000	NA	2,300	8,400	89,480	161,000	0.98	990	5.8
MAR 1991	175,000	86,000	1,450	NA	22,775	162,000	1.01	1,650	6.1
APR 1991	395,000	NA	1,500	NA	263,150	*375,000	0.98	1,470	5.7
MAY 1991	228,000	139,000	*4,250	NA	99,115	215,000	0.98	1,850	5.7
JUN 1991	327,000	NA	1,950	8,400	205,270	306,000	0.98	590	*5.2
JUL 1991	349,000	246,000	750	6,272	126,000	*337,000	0.99	1,220	5.7
AUG 1991	236,000	132,000	1,150	1,344	51,000	219,000	0.96	1,000	5.5
SEP 1991	266,000	108,000	2,300	560	187,850	246,000	0.97	830	*5.2
OCT 1991	234,000	232,000	1,050	2,240	131,300	227,000	0.95	1,090	6.0
NOV 1991	258,000	NA	2,100	11,200	133,600	236,000	0.98	1,400	5.6
DEC 1991	432,000	NA	3,000	*19,600	280,000	*421,000	0.95	1,130	6.0
JAN 1992	254,100	221,000	2,700	8,400	*373,000	*414,000	0.93	190	*4.7
FEB 1992	315,400	200,000	300	3,150	*299,000	*360,000	0.91	1,440	5.5
MAR 1992	296,700	<u>*518,000</u>	<u>*7,200</u>	4,900	182,000	*336,000	0.99	580	5.7
APR 1992	222,100	2,220	1,800	*17,500	154,780	251,000	0.99	2,020	5.9
MAY 1992	231,000	<u>*4,780,000</u>	1,300	12,600	*350,440	281,000	0.94	930	5.9
JUN 1992	294,000	290,000	1,200	14,000	*428,160	280,000	0.88	463	5.5
JUL 1992	114,000	136,000	1,700	11,900	173,000	100,000	*0.83	670	5.6
AUG 1992	130,000	260,000	3,300	*19,600	3,700	95,000	0.98	1,810	5.8
SEP 1992	52,000	42,300	1,800	12,880	62,600	36,000	0.93	706	6.3

Month	Total Solids (mg/L)	5-Day Biological Oxygen Demand (mg/L)	Total Phosphorus (mg/L)	Total Nitrogen (mg/L)	Oil and Grease (mg/L)	Total Volatile Solids (mg/L)	Density (g/mL)	Ammonia (mg/L)	pH (pH units)
OCT 1992	159,000	182,800	1,000	6,720	173,600	148,000	0.92	640	5.9
NOV 1992	151,000	151,000	1,500	15,120	151,720	137,000	0.89	*3,300	6.3
DEC 1992	*494,000	38,700	1,200	10,640	99,320	44,500	0.97	730	6.2
Maximum	494,000	290,000	4,250	19,600	428,160	421,000	1.02	3,650	6.9
Minimum	41,500	2,220	300	560	3,700	30,000	0.83	190	4.7
Number	29	20	28	25	29	29	29	29	29
Mean	225,476	154,301	1,746	9,333	150,122	208,672	0.95	1,418	5.9
Std. Dev.	106,449	81,405	921	5,448	110,620	111,212	0.04	924	0.5
Outlier +	544,824	398,516	4,508	25,676	481,981	542,307	1.08	4,189	7.3
Outlier -	-93,872	-89,914	-1,016	-7,010	-181,737	-124,962	0.82	-1,354	4.4
DAF Sludge Data With Outliers Removed and Recommended Permit Limits									
Number	29	20	28	25	29	29	29	29	29
Mean	225,476	154,301	1,746	9,333	150,122	208,672	0.95	1,418	5.9
Std. Dev.	106,449	81,405	921	5,448	110,620	111,212	0.04	924	0.5
Upper Limit	461,794	349,348	3,790	21,819	395,698	455,562	1.05	3,468	4.8
Lower Limit							0.86		7.0
Rounded Limit	461,790	349,350	3,790	21,820	395,700	455,560		3,470	
MPRSA Section 102 Special Permit #OD 90-02 DAF Sludge Limits									
Upper Limit	492,000	443,840	3,910	14,950	282,750	308,700	1.08	2,570	5.5
Lower Limit							0.85		7.0
Changes in DAF Sludge Limits from OD 90-02 to OD 93-02									
Upper Limit	-30,210	-94,490	-120	6,870	112,950	146,860	-0.03	900	-0.7
Percent Change	-6	-21	-3	46	40	48	-3	35	-13
Lower Limit							0.01		0
Percent Change							1		0

* = Violation of MPRSA § 102 Permit #OD 90-02, NA = Not Available, Underlined Value = Outlier not included in limit calculations.

Table 5. VCS Samoa Packing Precooker Water Data from August 1990 to December 1992 under OD 90-02.

Month	Total Solids (mg/L)	5-Day Biological Oxygen Demand (mg/L)	Total Phosphorus (mg/L)	Total Nitrogen (mg/L)	Oil and Grease (mg/L)	Total Volatile Solids (mg/L)	Density (g/mL)	Ammonia (mg/L)	pH (pH units)
AUG 1990	11,000	6,400	120	890	200	7,700	1.00	<u>590</u>	6.2
SEP 1990	91,000	40,000	970	8,300	7,300	73,000	1.03	<u>780</u>	6.2
OCT 1990	NA	NA	NA	NA	NA	NA	NA	NA	NA
NOV 1990	<u>*435,000</u>	58,000	460	2,700	<u>34,000</u>	<u>*429,000</u>	1.00	430	6.1
DEC 1990	73,000	NA	950	9,520	<200	50,000	1.03	130	6.1
JAN 1991	102,000	NA	1,100	4,480	<u>23,771</u>	76,000	1.03	260	6.0
FEB 1991	45,000	NA	1,300	5,600	2,866	28,000	0.95	90	6.2
MAR 1991	46,000	21,000	850	4,200	2,499	32,000	1.02	130	6.6
APR 1991	52,000	NA	950	4,340	5,229	35,000	1.04	135	5.9
MAY 1991	58,000	33,000	1,450	2,800	7,212	47,000	1.01	235	5.8
JUN 1991	83,000	NA	1,675	5,600	7,814	55,000	1.04	220	5.9
JUL 1991	95,000	37,000	1,025	1,820	3,000	69,000	1.03	200	5.9
AUG 1991	51,000	35,000	1,150	1,750	11,300	45,000	0.99	110	6.2
SEP 1991	62,000	30,000	575	2,240	<u>48,630</u>	53,000	1.04	110	6.1
OCT 1991	72,000	40,000	725	700	2,100	48,000	1.02	225	6.3
NOV 1991	65,000	33,000	900	6,020	7,800	50,000	0.99	120	6.4
DEC 1991	31,000	NA	1,250	3,500	7,800	24,000	0.99	<u>1,380</u>	6.0
JAN 1992	71,000	24,300	2,000	6,580	900	49,000	1.00	120	6.0
FEB 1992	50,000	19,300	300	3,150	2,600	39,000	0.97	156	6.7
MAR 1992	32,000	17,000	1,200	3,850	670	23,000	0.98	250	6.1
APR 1992	77,900	510	400	7,875	7,190	63,000	0.98	178	6.0
MAY 1992	59,000	<u>*258,000</u>	650	4,375	4,362	41,000	0.99	160	6.0
JUN 1992	34,000	19,300	850	5,250	3,318	22,000	0.98	90	6.3
JUL 1992	32,700	19,900	950	5,250	6,504	21,300	0.97	98	5.9
AUG 1992	67,000	42,000	1,000	7,980	<u>*264,000</u>	54,000	1.00	415	5.4
SEP 1992	81,000	58,200	900	9,660	2,640	47,000	0.99	293	5.9

Month	Total Solids (mg/L)	5-Day Biological Oxygen Demand (mg/L)	Total Phosphorus (mg/L)	Total Nitrogen (mg/L)	Oil and Grease (mg/L)	Total Volatile Solids (mg/L)	Density (g/mL)	Ammonia (mg/L)	pH (pH units)
OCT 1992	103,000	47,000	1,400	10,920	6,504	73,000	1.02	208	6.1
NOV 1992	97,000	30,900	1,000	13,300	3,490	65,600	1.00	325	6.2
DEC 1992	63,300	30,200	1,100	12,042	2,808	46,100	1.00	220	6.0
Maximum	103,000	58,200	2,000	13,300	11,300	76,000	1.04	430	6.7
Minimum	11,000	510	120	700	200	7,700	0.95	90	5.4
Number	27	21	28	28	24	27	28	25	28
Mean	63,144	30,572	971	5,525	4,429	45,804	1.00	196	6.1
Std. Dev.	23,438	14,373	396	3,289	2,898	17,408	0.02	92	0.2
Upper Limit	133,460	73,691	2,161	15,392	13,123	98,028	1.07	474	6.8
Lower Limit	-7,171	-12,547	-218	-4,343	-4,264	-6,421	0.93	-81	5.4
Precooker Water Data With Outliers Removed and Recommended Permit Limits									
Number	27	21	28	28	24	27	28	25	28
Mean	63,144	30,572	971	5,525	4,429	45,804	1.00	196	6.1
Std. Dev.	23,438	14,373	396	3,289	2,898	17,408	0.02	92	0.2
Upper Limit	115,178	64,651	1,851	12,827	11,178	84,450	1.06	408	5.5
Lower Limit							0.95		6.6
Rounded Limit	115,180	64,650	1,850	12,830	11,180	84,450		410	
MPRSA Section 102 Special Permit #OD 90-02 Precooker Water Limits									
Upper Limit	257,290	60,220	2,170	20,820	207,830	358,180	1.04	2,740	5.5
Lower Limit							0.96		7.0
Changes in Precooker Water Limits from OD 90-02 to OD 93-02									
Upper Limit	-142,110	4,430	-320	-7,990	-196,650	-273,730	0.02	-2,330	0
Percent Change	-55	7	-15	-38	-95	-76	1	-85	0
Lower Limit							-0.01		-0.4
Percent Change							-1		-5

* = Violation of MPRSA § 102 Permit #OD 90-02, NA = Not Available, Underlined Value = Outlier not included in limit calculations.

Table 6. VCS Samoa Packing Press Water Data from August 1990 to December 1992 under OD 90-02.

Month	Total Solids (mg/L)	5-Day Biological Oxygen Demand (mg/L)	Total Phosphorus (mg/L)	Total Nitrogen (mg/L)	Oil and Grease (mg/L)	Total Volatile Solids (mg/L)	Density (g/mL)	Ammonia (mg/L)	pH (mg/L)
AUG 1990	280,000	230,000	1,000	1,200	150,000	260,000	1.02	<u>2,900</u>	6.9
SEP 1990	193,000	NA	990	10,800	52,000	178,000	1.02	360	6.9
OCT 1990	NA	NA	NA	NA	NA	NA	NA	NA	NA
NOV 1990	216,000	109,000	1,290	9,700	53,000	200,000	1.00	400	6.0
DEC 1990	273,000	NA	1,250	*39,200	107,000	252,000	1.04	510	6.2
JAN 1991	286,000	NA	2,550	21,000	157,020	266,000	1.03	290	5.9
FEB 1991	128,000	172,000	900	4,760	42,130	111,000	1.00	240	6.1
MAR 1991	290,000	102,000	2,850	NA	57,350	270,000	1.04	440	6.2
APR 1991	258,000	NA	1,350	12,600	86,580	229,000	1.02	452	5.8
MAY 1991	105,000	58,000	<u>4,100</u>	NA	22,315	89,000	1.01	875	6.0
JUN 1991	287,000	NA	1,800	23,800	132,010	260,000	1.04	350	5.8
JUL 1991	202,000	118,000	1,400	7,000	32,000	178,000	1.02	320	5.9
AUG 1991	235,000	165,000	1,950	4,200	41,000	214,000	*0.97	300	5.9
SEP 1991	282,000	185,000	1,650	3,920	143,410	262,000	1.06	270	6.0
OCT 1991	165,000	91,000	1,950	3,920	15,100	148,000	1.02	287	6.3
NOV 1991	163,000	NA	2,100	8,960	42,600	147,000	1.02	250	6.5
DEC 1991	41,000	NA	2,200	11,200	8,000	29,000	1.00	<u>3,160</u>	6.0
JAN 1992	269,000	163,000	3,000	23,240	93,000	251,000	1.00	760	6.2
FEB 1992	42,175	86,000	2,100	*35,200	68,000	140,000	1.00	382	6.2
MAR 1992	136,200	222,000	<u>5,700</u>	14,000	120,000	246,000	0.99	510	6.3
APR 1992	76,775	1,980	1,000	21,000	78,710	*448,000	1.00	265	6.1
MAY 1992	22,600	311,000	600	9,800	125,710	*395,000	*0.97	230	6.0
JUN 1992	355,000	300,000	1,000	17,500	54,550	339,000	0.99	503	6.2
JUL 1992	234,000	88,500	1,400	18,200	75,430	199,000	1.00	305	5.9
AUG 1992	166,000	340,000	1,500	14,000	<u>242,000</u>	95,000	0.99	580	5.5
SEP 1992	163,000	125,000	1,300	17,920	68,600	131,000	0.98	510	6.0

Month	Total Solids (mg/L)	5-Day Biological Oxygen Demand (mg/L)	Total Phosphorus (mg/L)	Total Nitrogen (mg/L)	Oil and Grease (mg/L)	Total Volatile Solids (mg/L)	Density (g/mL)	Ammonia (mg/L)	pH (mg/L)
OCT 1992	138,000	98,100	1,300	12,600	75,430	106,000	1.00	815	6.2
NOV 1992	229,000	179,000	1,200	17,080	39,640	201,000	0.99	239	6.1
DEC 1992	189,000	77,500	1,500	15,120	32,350	171,000	1.02	550	6.2
Maximum	355,000	340,000	3,000	39,200	157,020	448,000	1.06	875	6.9
Minimum	22,600	1,980	600	1,200	8,000	29,000	0.97	230	5.5
Number	28	21	26	26	27	28	28	26	28
Mean	193,741	153,432	1,582	14,535	73,072	207,679	1.01	423	6.1
Std. Dev.	84,581	85,668	596	8,973	41,795	90,827	0.02	177	0.3
Outlier +	447,484	410,436	3,369	41,455	198,457	480,159	1.07	953	7.0
Outlier -	-60,002	-103,571	-205	-12,384	-52,314	-64,802	0.94	-108	5.3
Press Water Data With Outliers Removed and Recommended Permit Limits									
Number	28	21	26	26	27	28	28	26	28
Mean	193,741	153,432	1,582	14,535	73,072	207,679	1.01	423	6.1
Std. Dev.	84,581	85,668	596	8,973	41,795	90,827	0.02	177	0.3
Upper Limit	381,511	356,551	2,947	35,102	165,857	409,314	1.06	828	5.5
Lower Limit							0.96		6.8
Round Limit	381,510	356,550	2,950	35,100	165,860	409,310		830	
MPRSA Section 102 Special Permit #OD 90-02 Press Water Limits									
Upper Limit	463,780	524,270	6,860	32,020	386,480	384,560	1.07	4,940	5.5
Lower Limit							0.98		7.0
Changes in Press Water Limits from OD 90-02 to OD 93-02									
Upper Limit	-82,270	-167,720	-3,910	3,080	-220,620	24,750	-0.01	-4,110	0
Percent Change	-18	-32	-57	10	-57	6	-1	-83	0
Lower Limit							-0.02		-0.2
Percent Change							-2		-3

* = Violation of MPRSA § 102 Permit #OD 90-02, NA = Not Available, Underlined Value = Outlier not included in limit calculations.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, Ca. 94105-3901

October 19, 1992

Norman Wei
Senior Manager
Environmental Engineering
Star-Kist Seafood Company
180 East Ocean Blvd.
Long Beach, CA 90802

Dear Norman:

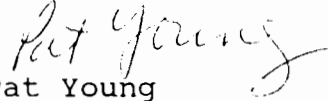
This is in response to your inquiry of October 6th regarding procedures for Star-Kist Samoa to apply for renewal of its Ocean Disposal Permit OD 90-01 which expires on July 30, 1993. Enclosed for your information is a copy of 40 CFR Part 221 (Applications for Ocean Dumping Permits Under Section 102 of the Act) and Part 222 (Action on Ocean Dumping Permit Applications).

Part 221 details the type of information which must be included in your application: applicant name, description and quantity of material to be dumped, proposed dates and times of disposal, proposed method of releasing materials, etc. Additionally, you should include information about the waste transporter company and vessel to be utilized for the disposal operations (company's experience, size/configuration of vessel, resume of the vessel's captain, etc.)

We suggest you submit the permit application and processing fee to us no later than mid-December 1992, to allow us to review and request additional information, if necessary. Under Part 222, EPA is required to review and issue a permit within 180 days of receipt of a completed application. We will need to review the monitoring data submitted under the present permit and all application materials before a draft permit is issued for public comment.

Should you have any further questions, please contact me at (415) 744-1591 or Patrick Cotter at (415) 744-1163.

Sincerely,



Pat Young
American Samoa Program Manager
Office of Pacific Island and Native
American Programs (E-4)

Enclosure

cc: Maurice Callaghan, Star-Kist Samoa
Pati Faiai, ASEPA
Sheila Wiegman, ASEPA
Pat Cotter, W-7-1



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX

75 Hawthorne Street
San Francisco, Ca. 94105-3901

October 19, 1992

Jim Cox
Director, Engineering and
Environmental Affairs
Van Camp Seafood Company, Inc.
4510 Executive Drive, Suite 300
San Diego, CA 92121-3029

Dear Jim:

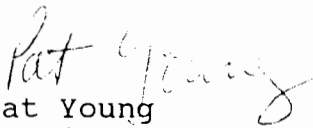
This is in response to Norman Wei's inquiry of October 6th regarding application procedures for Star-Kist Samoa's ocean disposal permit. I am submitting to you the same information I sent to Norman as Samoa Packing's Ocean Disposal Permit No. OD 90-02 will also expire on July 30, 1993. Enclosed for your information is a copy of 40 CFR Part 221 (Applications for Ocean Dumping Permits Under Section 102 of the Act) and Part 222 (Action on Ocean Dumping Permit Applications).

Part 221 details the type of information which must be included in your application: applicant name, description and quantity of material to be dumped, proposed dates and times of disposal, proposed method of releasing materials, etc. Additionally, you should include information about the waste transporter company and vessel to be utilized for the disposal operations (company's experience, size/configuration of vessel, resume of the vessel's captain, etc.)

We suggest you submit the permit application and processing fee to us no later than mid-December 1992, to allow us to review and request additional information, if necessary. Under Part 222, EPA is required to review and issue a permit within 180 days of receipt of a completed application. We will need to review the monitoring data submitted under the present permit and all application materials before a draft permit is issued for public comment.

Should you have any further questions, please contact me at (415) 744-1591 or Patrick Cotter at (415) 744-1163.

Sincerely,


Pat Young
American Samoa Program Manager
Office of Pacific Island and Native
American Programs (E-4)

Enclosure

cc: Michael Mcready, Samoa Packing Company
Pati Faiai, ASEPA
Sheila Wiegman, ASEPA
Pat Cotter, W-7-1

tific merit of the proposed project outweighs the potential environmental or other damage that may result from the dumping. Research permits shall specify an expiration date no later than 18 months from the date of issue.

(f) *Permits for incineration at sea.* Permits for incineration of wastes at sea will be issued only as research permits or as interim permits until specific criteria to regulate this type of disposal are promulgated, except in those cases where studies on the waste, the incineration method and vessel, and the site have been conducted and the site has been designated for incineration at sea in accordance with the procedures of § 228.4(b). In all other respects the requirements of parts 220 through 228 apply.

[42 FR 2468, Jan. 11, 1977; 43 FR 1071, Jan. 6, 1978]

§ 220.4 Authorities to issue permits.

(a) *Determination by Administrator.* The Administrator, or such other EPA employee as he may from time to time designate in writing, shall issue, deny, modify, revoke, suspend, impose conditions on, initiate and carry out enforcement activities and take any and all other actions necessary or proper and permitted by law with respect to general, special, emergency, interim, or research permits.

(b) *Authority delegated to Regional Administrators.* Regional Administrators, or such other EPA employees as they may from time to time designate in writing, are delegated the authority to issue, deny, modify, revoke, suspend, impose conditions on, initiate and carry out enforcement activities, and take any and all other actions necessary or proper and permitted by law with respect to special and interim permits for:

(1) The dumping of material in those portions of the territorial sea which are subject to the jurisdiction of any State within their respective Regions, and in those portions of the contiguous zone immediately adjacent to such parts of the territorial sea; and in the oceans with respect to approved waste disposal sites designated pursuant to part 228 of this subchapter H, and

(2) Where transportation for dumping is to originate in one Region and dumping is to occur at a location within another Region's jurisdiction conferred by order of the Administrator, the Region in which transportation is to originate shall be responsible for review of the application and shall prepare the technical evaluation of the need for dumping and alternatives to ocean dumping. The Region having jurisdiction over the proposed dump site shall take all other actions required by this subchapter H with respect to the permit application, including without limitation, determining to issue or deny the permit, specifying the conditions to be imposed, and giving public notice. If both Regions do not concur in the disposition of the permit application, the Administrator will make the final decision on all issues with respect to the permit application, including without limitation, issuance or denial of the permit and the conditions to be imposed.

(c) *Review of Corps of Engineers Dredged Material Permits.* Regional Administrators have the authority to review, to approve or to disapprove or to propose conditions upon Dredged Material Permits for ocean dumping of dredged material at locations within the respective Regional jurisdictions. Regional jurisdiction to act under this paragraph (c) of § 220.4 is determined by the Administrator in accordance with § 228.4(e).

PART 221—APPLICATIONS FOR OCEAN DUMPING PERMITS UNDER SECTION 102 OF THE ACT

Sec.

- 221.1 Applications for permits.
- 221.2 Other information.
- 221.3 Applicant.
- 221.4 Adequacy of information in application.
- 221.5 Processing fees.

AUTHORITY: 33 U.S.C. 1412 and 1418.

SOURCE: 42 FR 2470, Jan. 11, 1977, unless otherwise noted.

§ 221.1 Applications for permits.

Applications for general, special, emergency, interim and research per-

Environmental Protection Agency

mits under section 102 of the Act may be filed with the Administrator or the appropriate Regional Administrator, as the case may be, authorized by § 220.4 to act on the application. Applications shall be made in writing and shall contain, in addition to any other material which may be required, the following:

- (a) Name and address of applicant;
- (b) Name of the person or firm transporting the material for dumping, the name of the person(s) or firm(s) producing or processing all materials to be transported for dumping, and the name or other identification, and usual location, of the conveyance to be used in the transportation and dumping of the material to be dumped, including information on the transporting vessel's communications and navigation equipment;
- (c) Adequate physical and chemical description of material to be dumped, including results of tests necessary to apply the Criteria, and the number, size, and physical configuration of any containers to be dumped;
- (d) Quantity of material to be dumped;
- (e) Proposed dates and times of disposal;
- (f) Proposed dump site, and in the event such proposed dump site is not a dump site designated in this Subchapter H, detailed physical, chemical and biological information relating to the proposed dump site and sufficient to support its designation as a site according to the procedures of Part 228 of this Subchapter H;
- (g) Proposed method of releasing the material at the dump site and means by which the disposal rate can be controlled and modified as required;
- (h) Identification of the specific process or activity giving rise to the production of the material;
- (i) Description of the manner in which the type of material proposed to be dumped has been previously disposed of by or on behalf of the person(s) or firm(s) producing such material;
- (j) A statement of the need for the proposed dumping and an evaluation of short and long term alternative means of disposal, treatment or recycle of the material. Means of disposal

shall include without limitation, landfill, well injection, incineration, spread of material over open ground; biological, chemical or physical treatment; recovery and recycle of material within the plant or at other plants which may use the material, and storage. The statement shall also include an analysis of the availability and environmental impact of such alternatives; and

(k) An assessment of the anticipated environmental impact of the proposed dumping, including without limitation, the relative duration of the effect of the proposed dumping on the marine environment, navigation, living and non-living marine resource exploitation, scientific study, recreation and other uses of the ocean.

§ 221.2 Other information.

In the event the Administrator, Regional Administrator, or a person designated by either to review permit applications, determines that additional information is needed in order to apply the Criteria, he shall so advise the applicant in writing. All additional information requested pursuant to this § 221.2 shall be deemed part of the application and for purposes of applying the time limitation of § 222.1, the application will not be considered complete until such information has been filed.

§ 221.3 Applicant.

Any person may apply for a permit under this Subchapter H even though the proposed dumping may be carried on by a permittee who is not the applicant; provided however, that the Administrator or the Regional Administrator, as the case may be, may, in his discretion, require that an application be filed by the person or firm producing or processing the material proposed to be dumped. Issuance of a permit will not excuse the permittee from any civil or criminal liability which may attach by virtue of his having transported or dumped materials in violation of the terms or conditions of a permit, notwithstanding that the permittee may not have been the applicant.

§ 221.4 Adequacy of information in application.

No permit issued under this Subchapter H will be valid for the transportation or dumping of any material which is not accurately and adequately described in the application. No permittee shall be relieved of any liability which may arise as a result of the transportation or dumping of material which does not conform to information provided in the application solely by virtue of the fact that such information was furnished by an applicant other than the permittee.

§ 221.5 Processing fees.

(a) A processing fee of \$1,000 will be charged in connection with each application for a permit for dumping in an existing dump site designated in this Subchapter H.

(b) A processing fee of an additional \$3,000 will be charged in connection with each application for a permit for dumping in a dump site other than a dump site designated in this Subchapter H.

(c) Notwithstanding any other provision of this § 221.5, no agency or instrumentality of the United States or of a State or local government will be required to pay the processing fees specified in paragraphs (a) and (b) of this section.

PART 222—ACTION ON OCEAN DUMPING PERMIT APPLICATIONS UNDER SECTION 102 OF THE ACT

Sec.

- 222.1 General.
- 222.2 Tentative determinations.
- 222.3 Notice of applications.
- 222.4 Initiation of hearings.
- 222.5 Time and place of hearings.
- 222.6 Presiding Officer.
- 222.7 Conduct of public hearing.
- 222.8 Recommendations of Presiding Officer.
- 222.9 Issuance of permits.
- 222.10 Appeal to adjudicatory hearing.
- 222.11 Conduct of adjudicatory hearings.
- 222.12 Appeal to Administrator.
- 222.13 Computation of time.

Authority: 33 U.S.C. 1412 and 1418.

Source: 42 FR 2471, Jan. 11, 1977, unless otherwise noted.

§ 222.1 General.

Decisions as to the issuance, denial, or imposition of conditions on general, special, emergency, interim and research permits under section 102 of the Act will be made by application of the criteria of Parts 227 and 228. Final action on any application for a permit will, to the extent practicable, be taken within 180 days from the date a complete application is filed.

§ 222.2 Tentative determinations.

(a) Within 30 days of the receipt of his initial application, an applicant shall be issued notification of whether his application is complete and what, if any, additional information is required. No such notification shall be deemed to foreclose the Administrator or the Regional Administrator, as the case may be, from requiring additional information at any time pursuant to § 221.2.

(b) Within 30 days after receipt of a completed permit application, the Administrator or the Regional Administrator, as the case may be, shall publish notice of such application including a tentative determination with respect to issuance or denial of the permit. If such tentative determination is to issue the permit, the following additional tentative determinations will be made:

- (1) Proposed time limitations, if any;
- (2) Proposed rate of discharge from the barge or vessel transporting the waste;
- (3) Proposed dumping site; and
- (4) A brief description of any other proposed conditions determined to be appropriate for inclusion in the permit in question.

§ 222.3 Notice of applications.

(a) *Contents.* Notice of every complete application for a general, special, interim, emergency and research permit shall, in addition to any other material, include the following:

- (1) A summary of the information included in the permit application;
- (2) Any tentative determinations made pursuant to paragraph (b) of § 222.2;
- (3) A brief description of the procedures set forth in § 222.5 for request-

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ing a public hearing on the application including specification of the date by which requests for a public hearing must be filed;

(4) A brief statement of the factors considered in reaching the tentative determination with respect to the permit and, in the case of a tentative determination to issue the permit, the reasons for the choice of the particular permit conditions selected; and

(5) The location at which interested persons may obtain further information on the proposed dumping, including copies of any relevant documents.

(b) *Publication.*—(1) *Special, interim and research permits.* Notice of every complete application for special, interim and research permits shall be given by:

(i) Publication in a daily newspaper of general circulation in the State in closest proximity to the proposed dump site; and

(ii) Publication in a daily newspaper of general circulation in the city in which is located the office of the Administrator or the Regional Administrator, as the case may be, giving notice of the permit application.

(2) *General permits.* Notice of every complete application for a general permit or notice of action proposed to be taken by the Administrator to issue a general permit, without an application, shall be given by publication in the FEDERAL REGISTER.

(3) *Emergency permits.* Notice of every complete application for an emergency permit shall be given by publication in accordance with paragraphs (b)(1)(i) and (ii) of this section; *Provided, however,* That no such notice and no tentative determination in accordance with § 222.2 shall be required in any case in which the Administrator determines:

- (i) That an emergency, as defined in paragraph (c) of § 220.3 exists;
- (ii) That the emergency poses an unacceptable risk relating to human health;
- (iii) That the emergency admits of no other feasible solution; and
- (iv) That the public interest requires the issuance of an emergency permit as soon as possible.

Notice of any determination made by the Administrator pursuant to this

paragraph (b)(3) shall be given as soon as practicable after the issuance of the emergency permit by publication in accordance with paragraphs (b)(1)(i) and (ii) and with paragraphs (a), (c) through (i) of this section.

(c) *Copies of notice sent to specific persons.* In addition to the publication of notice required by paragraph (b) of this section, copies of such notice will be mailed by the Administrator or the Regional Administrator, as the case may be, to any person, group or Federal, State or local agency upon request. Any such request may be a standing request for copies of such notices and shall be submitted in writing to the Administrator or to any Regional Administrator and shall relate to all or any class of permit applications which may be acted upon by the Administrator or such Regional Administrator, as the case may be.

(d) *Copies of notice sent to States.* In addition to the publication of notice required by paragraph (b) of this section, copies of such notice will be mailed to the State water pollution control agency and to the State agency responsible for carrying out the Coastal Zone Management Act, if such agency exists, for each coastal State within 500 miles of the proposed dumping site.

(e) *Copies of notice sent to Corps of Engineers.* In addition to the publication of notice required by paragraph (b) of this section, copies of such notice will be mailed to the office of the appropriate District Engineer of the U.S. Army Corps of Engineers for purposes of section 106(c) of the Act, (pertaining to navigation, harbor approaches, and artificial islands on the outer continental shelf).

(f) *Copies of notice sent to Coast Guard.* In addition to the publication of notice required by paragraph (b) of this section, copies of such notice will be sent to the appropriate district office of the U.S. Coast Guard for review and possible suggestion of additional conditions to be included in the permit to facilitate surveillance and enforcement.

(g) *Fish and Wildlife Coordination Act.* The Fish and Wildlife Coordination Act, Reorganization Plan No. 4 of 1970, and the Act require that the Ad-

ministrator or the Regional Administrator, as the case may be, consult with appropriate regional officials of the Departments of Commerce and Interior, the Regional Director of the NMFS-NOAA, and the agency exercising administrative jurisdiction over the fish and wildlife resources of the States subject to any dumping prior to the issuance of a permit under this Subchapter H. Copies of the notice shall be sent to the persons noted in paragraph (g) of this section.

(h) *Copies of notice sent to Food and Drug Administration.* In addition to the publication of notice required by paragraph (b) of this section, copies of such notice will be mailed to Food and Drug Administration, Shellfish Sanitation Branch (HF-417), 200 C Street SW., Washington, DC 20204.

(i) *Failure to give certain notices.* Failure to send copies of any public notice in accordance with paragraphs (c) through (h) of this section shall not invalidate any notice given pursuant to this section nor shall such failure invalidate any subsequent administrative proceeding.

(j) *Failure of consulted agency to respond.* Unless advice to the contrary is received from the appropriate Federal or State agency within 30 days of the date copies of any public notice were dispatched to such agency, such agency will be deemed to have no objection to the issuance of the permit identified in the public notice.

§ 222.4 Initiation of hearings.

(a) In the case of any permit application for which public notice in advance of permit issuance is required in accordance with paragraph (b) of § 222.3, any person may, within 30 days of the date on which all provisions of paragraph (b) of § 222.3 have been complied with, request a public hearing to consider the issuance or denial of, or the conditions to be imposed upon, such permit. Any such request for a public hearing shall be in writing, shall identify the person requesting the hearing, shall state with particularity any objections to the issuance or denial of, or to the conditions to be imposed upon, the proposed permit, and shall state the issues which are pro-

posed to be raised by such person for consideration at a hearing.

(b) Whenever (1) a written request satisfying the requirements of paragraph (a) of this section has been received and the Administrator or Regional Administrator, as the case may be, determines that such request presents genuine issues, or (2) the Administrator or Regional Administrator, as the case may be, determines in his discretion that a public hearing is necessary or appropriate, the Administrator or the Regional Administrator, as the case may be, will set a time and place for a public hearing in accordance with § 222.5, and will give notice of such hearing by publication in accordance with § 222.3.

(c) In the event the Administrator or the Regional Administrator, as the case may be, determines that a request filed pursuant to paragraph (a) of this section does not comply with the requirements of such paragraph (a) of this section or that such request does not present substantial issues of public interest, he shall advise, in writing, the person requesting the hearing of his determination.

§ 222.5 Time and place of hearings.

Hearings shall be held in the State in closest proximity to the proposed dump site, whenever practicable, and shall be set for the earliest practicable date no less than 30 days after the receipt of an appropriate request for a hearing or a determination by the Administrator or the Regional Administrator, as the case may be, to hold such a hearing without such a request.

§ 222.6 Presiding Officer.

A hearing convened pursuant to this Subchapter H shall be conducted by a Presiding Officer. The Administrator or Regional Administrator, as the case may be, may designate a Presiding Officer. For adjudicatory hearings held pursuant to § 222.11, the Presiding Officer shall be an EPA employee who has had no prior connection with the permit application in question, including without limitation, the performance of investigative or prosecuting functions or any other functions, and who is not employed in the Enforce-

ment Division or any Regional enforcement office.

[42 FR 2471, Jan. 11, 1977; 42 FR 6583, Feb. 3, 1977]

§ 222.7 Conduct of public hearing.

The Presiding Officer shall be responsible for the expeditious conduct of the hearing. The hearing shall be an informal public hearing, not an adversary proceeding, and shall be conducted so as to allow the presentation of public comments. When the Presiding Officer determines that it is necessary or appropriate, he shall cause a suitable record, which may include a verbatim transcript, of the proceedings to be made. Any person may appear at a public hearing convened pursuant to § 222.5 whether or not he requested the hearing, and may be represented by counsel or any other authorized representative. The Presiding Officer is authorized to set forth reasonable restrictions on the nature or amount of documentary material or testimony presented at a public hearing, giving due regard to the relevancy of any such information, and to the avoidance of undue repetitiveness of information presented.

§ 222.8 Recommendations of Presiding Officer.

Within 30 days following the adjournment of a public hearing convened pursuant to § 222.5, or within such additional period as the Administrator or the Regional Administrator, as the case may be, may grant to the Presiding Officer for good cause shown, and after full consideration of the comments received at the hearing, the Presiding Officer will prepare and forward to the Administrator or to the Regional Administrator, as the case may be, written recommendations relating to the issuance or denial of, or conditions to be imposed upon, the proposed permit and the record of the hearing, if any. Such recommendations shall contain a brief statement of the basis for the recommendations including a description of evidence relied upon. Copies of the Presiding Officer's recommendations shall be provided to any interested person on request, without charge. Copies of the record

will be provided in accordance with 40 CFR Part 2.

[42 FR 2471, Jan. 11, 1977; 42 FR 6583, Feb. 3, 1977]

§ 222.9 Issuance of permits.

(a) Within 30 days following receipt of the Presiding Officer's recommendations or, where no hearing has been held, following the close of the 30-day period for requesting a hearing as provided in § 222.4, the Administrator or the Regional Administrator, as the case may be, shall make a determination with respect to the issuance, denial, or imposition of conditions on, any permit applied for under this Subchapter H and shall give notice to the applicant and to all persons who registered their attendance at the hearing by providing their name and mailing address, if any, by mailing a letter stating the determination and stating the basis therefor in terms of the Criteria.

(b) Any determination to issue or deny any permit after a hearing held pursuant to § 222.7 shall take effect no sooner than:

(1) 10 days after notice of such determination is given if no request for an adjudicatory hearing is filed in accordance with § 222.10(a); or

(2) 20 days after notice of such determination is given if a request for an adjudicatory hearing is filed in accordance with paragraph (a) of § 222.10 and the Administrator or the Regional Administrator, as the case may be, denies such request in accordance with paragraph (c) of § 222.10; or

(3) The date on which a final determination has been made following an adjudicatory hearing held pursuant to § 222.11.

(c) The Administrator or Regional Administrator, as the case may be, may extend the term of a previously issued permit pending the conclusion of the proceedings held pursuant to §§ 222.7 through 222.9.

(d) A copy of each permit issued shall be sent to the appropriate District Office of the U.S. Coast Guard.

§ 222.10 Appeal to adjudicatory hearing.

(a) Within 10 days following the receipt of notice of the issuance or

denial of any permit pursuant to § 222.9 after a hearing held pursuant to § 222.7, any interested person who participated in such hearing may request that an adjudicatory hearing be held pursuant to § 222.11 for the purpose of reviewing such determination, or any part thereof. Any such request for an adjudicatory hearing shall be filed with the Administrator or the Regional Administrator, as the case may be, and shall be in writing, shall identify the person requesting the adjudicatory hearing and shall state with particularity the objections to the determination, the basis therefor and the modification requested.

(b) Whenever a written request satisfying the requirements of paragraph (a) of this section has been received and the Administrator or Regional Administrator, as the case may be, determines that an adjudicatory hearing is warranted, the Administrator or the Regional Administrator, as the case may be, will set a time and place for an adjudicatory hearing in accordance with § 222.5, and will give notice of such hearing by publication in accordance with § 222.3.

(c) Prior to the conclusion of the adjudicatory hearing and appeal process, the Administrator or the Regional Administrator, as the case may be, in his discretion may extend the duration of a previously issued permit until a final determination has been made pursuant to § 222.11 or § 222.12.

(d) In the event the Administrator or the Regional Administrator, as the case may be, determines that a request filed pursuant to paragraph (a) of this section does not comply with the requirements of such paragraph (a) of this section or that such request does not present substantial issues of public interest, he shall advise, in writing, the person requesting the adjudicatory hearing of his determination.

(e) Any person requesting an adjudicatory hearing or requesting admission as a party to an adjudicatory hearing shall state in his written request, and shall by filing such request consent, that he and his employees and agents shall submit themselves to direct and cross-examination at any such hearing and to the taking of an

oath administered by the Presiding Officer.

§ 222.11 Conduct of adjudicatory hearings.

(a) *Parties.* Any interested person may at a reasonable time prior to the commencement of the hearing submit to the Presiding Officer a request to be admitted as a party. Such request shall be in writing and shall set forth the information which would be required to be submitted by such person if he were requesting an adjudicatory hearing. Any such request to be admitted as a party which satisfies the requirements of this paragraph (a) shall be granted and all parties shall be informed at the commencement of the adjudicatory hearing of the parties involved. Any party may be represented by counsel or other authorized representative. EPA staff representing the Administrator or Regional Administrator who took action with respect to the permit application shall be deemed a party.

(b) *Filing and service.* (1) An original and two (2) copies of all documents or papers required or permitted to be filed shall be filed with the Presiding Officer.

(2) Copies of all documents and papers filed with the Presiding Officer shall be served upon all other parties to the adjudicatory hearing.

(c) *Consolidation.* The Administrator, or the Regional Administrator in the case of a hearing arising within his Region and for which he has been delegated authority hereunder, may, in his discretion, order consolidation of any adjudicatory hearings held pursuant to this section whenever he determines that consolidation will expedite or simplify the consideration of the issues presented. The Administrator may, in his discretion, order consolidation and designate one Region to be responsible for the conduct of any hearings held pursuant to this section which arise in different Regions whenever he determines that consolidation will expedite or simplify the consideration of the issues presented.

(d) *Pre-hearing conference.* The Presiding Officer may hold one or more prehearing conferences and may issue a prehearing order which may include

Environmental Protection Agency

without limitation, requirements with respect to any or all of the following:

- (1) Stipulations and admissions;
- (2) Disputed issues of fact;
- (3) Disputed issues of law;
- (4) Admissibility of any evidence;
- (5) Hearing procedures including submission of oral or written direct testimony, conduct of cross-examination, and the opportunity for oral arguments;
- (6) Any other matter which may expedite the hearing or aid in disposition of any issues raised therein.

(e) *Adjudicatory hearing procedures.*

(1) The burden of going forward with the evidence shall:

(i) In the case of any adjudicatory hearing held pursuant to § 222.10(b) (1), be on the person filing a request under § 222.10(a) as to each issue raised by the request; and

(ii) In the case of any adjudicatory hearing held pursuant to § 223.2 or pursuant to Part 226, be on the Environmental Protection Agency.

(2) The Presiding Officer shall have the duty to conduct a fair and impartial hearing, to take action to avoid unnecessary delay in the disposition of proceedings, and to maintain order. He shall have all powers necessary or appropriate to that end, including without limitation, the following:

(i) To administer oaths and affirmations;

(ii) To rule upon offers of proof and receive relevant evidence;

(iii) To regulate the course of the hearing and the conduct of the parties and their counsel;

(iv) To consider and rule upon all procedural and other motions appropriate to the proceedings; and

(v) To take any action authorized by these regulations and in conformance with law.

(3) Parties shall have the right to cross-examine a witness who appears at an adjudicatory hearing to the extent that such cross-examination is necessary or appropriate for a full disclosure of the facts. In multi-party proceedings the Presiding Officer may limit cross-examination to one party on each side if he is satisfied that the cross-examination by one party will adequately protect the interests of other parties.

(4) When a party will not be unfairly prejudiced thereby, the Presiding Officer may order all or part of the evidence to be submitted in written form.

(5) Rulings of the Presiding Officer on the admissibility of evidence, the propriety of cross-examination, and other procedural matters, shall be final and shall appear in the record.

(6) Interlocutory appeals may not be taken.

(7) Parties shall be presumed to have taken exception to an adverse ruling.

(8) The proceedings of all hearings shall be recorded by such means as the Presiding Officer may determine. The original transcript of the hearing shall be a part of the record and the sole official transcript. Copies of the transcript shall be available from the Environmental Protection Agency in accordance with 40 CFR Part 2.

(9) The rules of evidence shall not apply.

(f) *Decision after adjudicatory hearing.* (1) Within 30 days after the conclusion of the adjudicatory hearing, or within such additional period as the Administrator or the Regional Administrator, as the case may be, may grant to the Presiding Officer for good cause shown, the Presiding Officer shall submit to the Administrator or the Regional Administrator, as the case may be, proposed findings of fact and conclusions of law, his recommendation with respect to any and all issues raised at the hearing, and the record of the hearing. Such findings, conclusions and recommendations shall contain a brief statement of the basis for the recommendations. Copies of the Presiding Officer's proposed findings of fact, conclusions of law and recommendations shall be provided to all parties to the adjudicatory hearing on request, without charge.

(2) Within 20 days following submission of the Presiding Officer's proposed findings of fact, conclusions of law and recommendations, any party may submit written exceptions, no more than 30 pages in length, to such proposed findings, conclusions and recommendations and within 30 days following the submission of the Presiding Officer's proposed findings, conclusions and recommendations any party may file written comments, no more

than 30 pages in length, on another party's exceptions. Within 45 days following the submission of the Presiding Officer's proposed findings, conclusions and recommendations, the Administrator or the Regional Administrator, as the case may be, shall make a determination with respect to all issues raised at such hearing and shall affirm, reverse or modify the previous or proposed determination, as the case may be. Notice of such determination shall set forth the determination for each such issue, shall briefly state the basis therefor and shall be given by mail to all parties to the adjudicatory hearing.

§ 222.12 Appeal to Administrator.

(a) Within 10 days following receipt of the determination of the Regional Administrator pursuant to paragraph (f)(2) of § 222.11, any party to an adjudicatory hearing held in accordance with § 222.11 may appeal such determination to the Administrator by filing a written notice of appeal, or the Administrator may, on his own initiative, review any prior determination.

(b) The notice of appeal shall be no more than 40 pages in length and shall contain:

- (1) The name and address of the person filing the notice of appeal;
 - (2) A concise statement of the facts on which the person relies and appropriate citations to the record of the adjudicatory hearing;
 - (3) A concise statement of the legal basis on which the person relies;
 - (4) A concise statement setting forth the action which the person proposes that the Administrator take; and
 - (5) A certificate of service of the notice of appeal on all other parties to the adjudicatory hearing.
- (c) The effective date of any determination made pursuant to paragraph (f)(2) of § 222.11 may be stayed by the Administrator pending final determination by him pursuant to this section upon the filing of a notice of appeal which satisfies the requirements of

paragraph (b) of this section or upon initiation by the Administrator of review of any determination in the absence of such notice of appeal.

(d) Within 20 days following the filing of a notice of appeal in accordance with this section, any party to the adjudicatory hearing may file a written memorandum, no more than 40 pages in length, in response thereto.

(e) Within 45 days following the filing of a notice of appeal in accordance with this section, the Administrator shall render his final determination with respect to all issues raised in the appeal to the Administrator and shall affirm, reverse, or modify the previous determination and briefly state the basis for his determination.

(f) In accordance with 5 U.S.C. section 704, the filing of an appeal to the Administrator pursuant to this section shall be a prerequisite to judicial review of any determination to issue, deny or impose conditions upon any permit, or to modify, revoke or suspend any permit, or to take any other enforcement action, under this Subchapter H.

§ 222.13 Computation of time.

In computing any period of time prescribed or allowed in this part, except unless otherwise provided, the day on which the designated period of time begins to run shall not be included. The last day of the period so computed is to be included unless it is a Saturday, Sunday, or a legal holiday in which the Environmental Protection Agency is not open for business, in which event the period runs until the end of the next day which is not a Saturday, Sunday, or legal holiday. Intermediate Saturdays, Sundays and legal holidays shall be excluded from the computation when the period of time prescribed or allowed is seven days or less.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

OCT 03 1995

James L. Cox
Director of Engineering
and Environmental Affairs
Van Camp Seafood Company, Inc.
4510 Executive Drive, Suite 300
San Diego, CA 92121-3029

Subject: Modification of Waste Stream Monitoring Requirements of
Special Ocean Disposal Permit #OD 93-02 for VCS Samoa
Packing Company

Dear Mr. Cox:

The U.S. Environmental Protection Agency (EPA) Region IX is modifying the above-referenced special ocean disposal permit, as per Section 3.1.2.4 of this permit, effective October 6, 1995. This modification eliminates existing sampling, monitoring and maximum concentration limitations for the three individual waste streams which are the DAF sludge, precooker water and press water. The modification establishes the onshore fish processing storage tank as the new sampling and monitoring location for the combined individual waste streams and also establishes new maximum concentration limitations for the combined wastes (see Table 3 of the attached amendment). The onshore fish processing storage tank is the holding tank for the three individual waste streams prior to ocean disposal. The new maximum concentration limits for the combined waste stream from the onshore fish processing storage tank have been established based on EPA's review and analysis of data per Special Conditions 3.1.2.2. through 3.1.2.4, OD 93-02.

These modifications to the permit are detailed in the attached pages which replace the corresponding pages in the permit and are hereby incorporated into and made a part of the permit, OD 93-02.

Please be reminded that the permit expires August 31, 1996 and that an application for renewal must be submitted at least 180 days prior to its expiration date. Should you have any questions regarding this revision or re-application, please call Pat Young, American Samoa Program Manager at (415) 744-1594 or Allan Ota, Ocean Disposal Coordinator at (415) 744-1980.

Sincerely,

A handwritten signature in dark ink, appearing to read "Amy Zimpfer", is written over a circular stamp that is partially visible. The signature is fluid and cursive.

Amy Zimpfer
Chief, Watershed Protection Branch
Water Management Division

Enclosure

cc: See attached mailing list

2.4. Fish Processing Waste Stream Limits

Table 3. Limits for the Onshore Storage Tank

Physical or Chemical Parameter (units)*	Limits for Onshore Storage Tank
Total Solids (mg/L)	54,590
Total Volatile Solids (mg/L)	58,760
5-Day BOD (mg/L)	87,780
Oil & Grease (mg/L)	48,630
Total Phosphorus (mg/L)	2,820
Total Nitrogen (mg/L)	11,070
Ammonia (mg/L)(mg/L)	5,200
pH (pH units)	5.8 to 7.5
Density (g/mL)	0.97 to 1.03

* All calculated values were rounded to the nearest 10 except density and pH ranges.

- 2.4.1. Permitted Maximum Concentrations were calculated based on an analysis of data gathered by the permittee through bi-monthly sampling of the onshore waste storage tank, from 9/93 to 9/94, as detailed under Section 3.1.2 of the permit. The calculations followed EPA's recommended procedure for determining permit limits as defined in the EPA document titled: Guidance Document for Ocean Dumping Permit Writers, January 30, 1988. (See attached fact sheet for details.)

EPA Region IX will periodically review these limits during the permit to evaluate the accuracy of the limits. If revisions are necessary, EPA Region IX will make changes according to the authority defined in the Ocean Dumping Regulations at 40 C.F.R. §§ 223.2 through 223.5.

- 2.4.2. The Permitted Maximum Concentrations, density range and pH range listed above, shall not be exceeded at any time during the term of this permit.

3. SPECIAL CONDITIONS - ANALYSIS OF FISH PROCESSING WASTES

Compliance with the permitted maximum concentrations defined in Special Condition 2.4 shall be determined by monthly monitoring of the waste stored in the permittee's onshore fish processing waste storage tank. DAF sludge, precooker water and press water are stored in the onshore storage tank prior to ocean disposal. Reporting requirements are defined in this section. Any fish processing waste sampling dates shall be scheduled within the first two weeks of the month to allow enough time for laboratory analyses and report writing to comply with Special Condition 3.3.

3.1. Analyses of Fish Processing Wastes

- 3.1.1. Concentrations or values of the parameters listed in Special Condition 2.4 shall be determined for the waste stream sample from the onshore storage tank during the transfer of these wastes to the disposal vessel's holding tanks. Three samples shall be taken from the onshore storage tank transfer line at 10-minute intervals. These samples shall be composited to produce one sample for analysis. The permittee's samples shall not be combined with fish processing waste from any other permittee. The detection limits specified in Table 4 below shall be used.

Table 4. Physical and Chemical Parameters to be Analyzed from Fish Processing Waste Stored in the Onshore Storage Tank

Parameter	Method Detection Limit
Total Solids	10.0 mg/L
Total Volatile Solids	10.0 mg/L
5-Day BOD	10.0 mg/L
Oil and Grease	10.0 mg/L
Total Phosphorus	1.0 mg/L
Total Nitrogen	1.0 mg/L
Ammonia	1.0 mg/L
pH	0.1 pH units
Density	0.01 g/mL

(Special Conditions 3.1.2, including 3.1.2.1 through 3.1.2.4, are hereby deleted, effective October 6, 1995.)

Revised 10/6/95

VCS Samoa Packing Company

3.1.3 All sampling procedures, analytical protocols, and quality control/quality assurance procedures shall be performed according to guidelines specified by EPA Region IX. The following references shall be used by the permittee:

3.1.3.1. 40 C.F.R. Part 136, EPA Guidelines Establishing Test Procedures for the Analysis of Pollutants Under the Clean Water Act;

3.1.3.2. Tetra Tech, Incorporated. 1985. Summary of U.S. EPA-approved Methods, Standard Methods and other Guidance for 301(h) Monitoring Variables. Final program document prepared for the Marine Operations Division, Office of Marine and Estuarine Protection, U.S. Environmental Protection Agency. EPA Contract No. 68-01-693. Tetra Tech, Incorporated, Bellevue, WA; and,

3.1.3.3. Environmental Protection Agency. 1987. Quality Assurance and Quality Control for 301(h) Monitoring Programs: Guidance on Field and Laboratory Methods. Office of Marine and Estuarine Protection, Washington, D.C., EPA 430/9-86-004.

3.2. Analytical Laboratory

3.2.1. Within 30 days of the effective date of this permit, the name and address of the contract laboratory or laboratories and a description of all analytical test procedures and quality assurance/quality control procedures, including detection limits being used, shall be provided for EPA Region IX approval.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

James L. Cox
Director of Engineering
and Environmental Affairs
Van Camp Seafood Company, Inc.
4510 Executive Drive, Suite 300
San Diego, CA 92121-3029

Subject: Modification of Waste Stream Monitoring Requirements of
Special Ocean Disposal Permit #OD 93-02 for VCS Samoa
Packing Company

Dear Mr. Cox:

The U.S. Environmental Protection Agency (EPA) Region IX is modifying the above-referenced special ocean disposal permit, as per Section 3.1.2.4 of this permit, effective October 6, 1995. This modification eliminates existing sampling, monitoring and maximum concentration limitations for the three individual waste streams which are the DAF sludge, precooker water and press water. The modification establishes the onshore fish processing storage tank as the new sampling and monitoring location for the combined individual waste streams and also establishes new maximum concentration limitations for the combined wastes (see Table 3 of the attached amendment). The onshore fish processing storage tank is the holding tank for the three individual waste streams prior to ocean disposal. The new maximum concentration limits for the combined waste stream from the onshore fish processing storage tank have been established based on EPA's review and analysis of data per Special Conditions 3.1.2.2. through 3.1.2.4, OD 93-02.

These modifications to the permit are detailed in the attached pages which replace the corresponding pages in the permit and are hereby incorporated into and made a part of the permit, OD 93-02.

Please be reminded that the permit expires August 31, 1996 and that an application for renewal must be submitted at least 180 days prior to its expiration date. Should you have any questions regarding this revision or re-application, please call Pat Young, American Samoa Program Manager at (415) 744-1594 or Allan Ota, Ocean Disposal Coordinator at (415) 744-1980.

SYMBOL	E-4	E-4	W-3		
SURNAME	Pyouny	McFar	Love		
DATE	10/2/95	10/2/95	10/3/95		
U.S. EPA CONCURRENCES				OFFICIAL FILE COPY	

Sincerely,

Amy Zimpfer
Chief, Watershed Protection Branch
Water Management Division

Enclosure

cc: See attached mailing list

FACT SHEET
Calculations for Onshore Fish Waste Storage Tank

Fish waste permits for Starkist Samoa and VCS Samoa Packing

CALCULATION OF REVISED PERMIT LIMITS

1. Data collected from the onshore storage tank from September 1993 through August 1994 were used to calculate the revised permit limits. The data for each cannery were evaluated separately.

2. Because variation in these waste streams is such that constituent values are not normally distributed, the data were converted with a logarithmic transformation. The following calculations were then made for each set of data, including mean, standard deviation, and the number of points.

3. Any data values determined to be significantly different from the population of data points by visual inspection of scatter plots, and/or confirmed to be greater than or less than the mean plus or minus 2 standard deviations, were considered to be outliers. Outlier data points were not used in the permit limit calculations.

4. All procedures for calculating permit limits are discussed in Sections 3.1.1 and 3.1.2 (pages 3-1- to 3-9) of EPA's Guidance Document for Ocean Dumping Permit Writers (January 30, 1988).

- a. The mean and standard deviation of each physical or chemical parameter were calculated by the following equations:

$$\text{Mean}_x = \frac{\sum x_i}{N}$$

x_i = each value for the i th constituent

N = the number of data points reported

$$\text{Standard Deviation}_x = \frac{\sum \{x_i - \text{Mean}_x\}^2}{N - 1}$$

- b. The permit limit (Upper Limit) was determined by taking the mean and adding the product of a constant multiplied by the standard deviation.

$$\text{Upper Limit}_x = \text{Mean}_x + (k \times \text{Standard Deviation}_x)$$

k = a constant from Table 3-2 in EPA's 1988 Guidance Document.

- c. The constant (k) is based on N and two variables, probability (γ) and proportion (P), used to compute permit limits. In this case, all limits were calculated with $\gamma = 0.90$ and $P = 0.95$.
- 5. The calculated permit limit for the transformed data was then reconverted back to an untransformed value by obtaining the anti-log of the calculated permit limit as follows:

Converted permit limit = E^x

(x = transformed permit limit; $E = 2.7183$)

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AUG 27 1993

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, Ca. 94105-3901

Norman S. Wei, Senior Manager
Environmental Engineering
StarKist Foods, Inc.
1 River Front Place
Newport, KY 41071

SUBJECT: Issuance of a Special Ocean Dumping Permit #OD 93-01 to StarKist Samoa

Dear Mr. Wei:

The U.S. Environmental Protection Agency (EPA) Region IX is issuing the enclosed special ocean dumping permit to StarKist Samoa, Inc. (#OD 93-01) under §102 of the Marine Protection, Research and Sanctuaries Act. The effective date of the permit is September 1, 1993. This permit authorizes disposal of StarKist Samoa's fish processing wastes off American Samoa for a three year period.

During the 30-day comment period on the draft permit, EPA Region IX only received comments from StarKist Seafoods. Responses to StarKist's letter and responses to VCS Samoa Packing's comments on their draft permit are enclosed with this notice. After carefully reviewing the comments submitted by StarKist Seafoods and coordinating responses with the American Samoa EPA, EPA Region IX has determined that the MPRSA §102 permit should be issued to StarKist Samoa. A copy of the permit showing EPA Region IX's changes is enclosed. The changes appear as shaded letters for additions and lined-out letters for deletions.

Information gathered during the term of the new special permit will be used to continue EPA Region IX's management of the fish processing waste disposal program off American Samoa. If at any time EPA Region IX determines that StarKist Samoa violates its permit or its disposal operations do not meet the ocean dumping regulations at 40 C.F.R. Parts 220 through 228, we will reconsider our authorization for use of the designated site.

If you have any questions regarding the ocean dumping permits, please contact Brian Ross at (415) 744-1979 or Patricia Young at (415) 744-1594.

Sincerely,

A handwritten signature in cursive script, appearing to read "Clarence Tenley".

Clarence Tenley, Acting Chief
Wetlands, Oceans and Estuaries Branch

Enclosures (3)

RESPONSE TO COMMENTS ON OCEAN DUMPING PERMITS FOR AMERICAN SAMOA FISH CANNERIES

Responses to Comments from Van Camp Seafood Company for VCS Samoa Packing (June 22, 1993)

VCS Samoa Comment 1. VCS Samoa Packing requested that the bioassays and computer modeling required in Special Condition 3.3.5 be deleted because the waste streams are the same as the waste streams in 1987 and the those evaluated in a computer model in 1990.

EPA Region IX Response. In 1987, the only waste being disposed at the ocean disposal site was DAF Sludge. This was the only waste used in the bioassay tests because the other wastes, Precooker Water and Press Water, were being discharged through the outfall in Pago Pago Harbor. Bioassays were not required for Special Ocean Dumping Permit OD 90-02 because EPA Region IX relied on data from previous research ocean dumping permits for the waste characterizations. In addition, recent data on the characteristics of the three waste streams now authorized for disposal at the ocean disposal site shows significant changes in each waste compared to conditions before OD 90-02 was issued.

EPA Region IX considered the following points before requiring bioassays: 1) changes in the characteristics of each waste stream, 2) the way that wastes are combined, and 3) disposal of combined wastes from the ocean disposal vessel. EPA Region IX decided that the suspended particulate phase bioassays should be conducted using samples taken from the permittees' onshore storage tanks, not the individual waste streams generated at the permittees' plants.

We determined that replicate suspended particulate phase bioassays should be conducted at least three separate times during the first year of the new permits. Special Condition 3.3.5 has been rewritten to require samples of the onshore storage tanks to be taken on November 30, 1993, February 28, 1994 and May 31, 1994 to cover any potential seasonal changes in fish processing waste characteristics.

When new bioassays are conducted, the LC_{50} , the release zone, the mixing zone and the limiting permissible concentration (LPC) of the fish processing wastes discharged at the disposal site may change. This necessitates a reevaluation of the disposal site model to ensure that the LPC is not exceeded within the disposal site 4 hours after disposal or anytime outside the disposal site boundary. Reevaluation of the plume model should be conducted using the results of VCS Samoa Packing's suspended particulate phase bioassays alone, StarKist Samoa's suspended particulate phase bioassays alone, and a plume model combining waste from both canneries. Analysis of the three situations is necessary to evaluate a disposal vessel load consisting of VCS Samoa Packing wastes only, StarKist Samoa wastes only or a combination of wastes from both canneries. The model evaluation should be similar to the one presented to EPA Region IX in March 1990.

EPA Region IX has revised Special Condition 3.3 to require chemical analysis of samples from the canneries' onshore storage tanks twice each month for one year. These

results will provide a better characterization of the wastes actually disposed at the ocean disposal site. These data may be used in future permitting actions to reduce the number of chemical analyses performed on the canneries' waste streams.

VCS Samoa Packing Comment 2. The new limits may not represent the actual waste stream concentrations. The new limits may result in VCS Samoa Packing exceeding their permit limits. Of particular concern were the ammonia and oil and grease limits for Precooker Water.

EPA Region IX Response. According to EPA's Guidance Document for Ocean Dumping Permit Writers (January 30, 1988):

Although using the maximum reported concentration for the waste constituent [as a permit limit] may be acceptable, it is not recommended because the maximum reported concentration may be an outlier [defined as a waste concentrations that is plus or minus three standard deviations from the mean waste concentration], a value outside the normally expected values. Because it is impossible to determine whether the maximum reported value is an outlier without further analysis, it is better to base concentration limits on statistical estimates of variation in waste concentrations.

Limits set on statistical measures of variations in waste concentrations allow the Agency [EPA] to determine the significance of concentrations in monitoring reports that exceed the set limit. If the permit limit is set on the 95th percentile [as limits for VCS Samoa Packing and StarKist Samoa are set], for example, 5 measures out of 100 would exceed the permit solely by chance...(page 3-3).

For the reasons discussed above, EPA Region IX calculated the outliers for each waste concentration and removed them from the permit limit calculations for both canneries. Knowing the variable nature of fish processing wastes, EPA Region IX selected the 95th percentile because we do not expect all reported concentrations to fall within the limits listed in the permit. EPA Region IX has enforcement discretion when evaluating permit monitoring results from both canneries. Therefore, we have determined that the waste limits for VCS Samoa Packing should remain as they are listed in the permit.

VCS Samoa Packing Comment 3. The pH limit for Precooker Water and Press Water should be changed to 7.0 pH units to protect equipment.

EPA Region IX Response. EPA Region IX agrees with VCS Samoa Packing's request. The limit for the pH range for all three fish processing wastes has been changed to 7.0 in Table 3 of Special Condition 2.3. This change will also be incorporated into Table 3 of Special Condition 2.3 in the StarKist Samoa permit.

Responses to Comments from StarKist Seafoods Inc. for StarKist Samoa (June 30, 1993)

StarKist Samoa Comment 1. Each cannery should be held liable only for its own fish processing wastes during disposal operations when both canneries' wastes are being transported and disposed at the ocean site.

EPA Region IX Response. Each cannery is liable for its own fish processing waste stream limits as defined in its permit. When fish processing wastes from both canneries are pumped into the ocean disposal vessel for transportation to the ocean disposal site, both canneries and the waste transporter are liable for violations of the ocean dumping permits, though the wastes are maintained in separate holding tanks.

As the FV TASMAN SEA is designed now, wastes from both canneries are placed in separate holding tanks and discharged to the ocean through a common pipe and discharge port. If the wastes were discharged simultaneously through the same port or through separate ports, it would be difficult to assign separate liability for any detected violations in the receiving water. The present disposal procedure, as well as other possible disposal configurations for the disposal vessel, requires that both canneries be held individually liable for violations of the ocean dumping permits. Therefore, General Condition 1.2 will not be changed. However, if waste from only one cannery is placed onboard the disposal vessel and disposed at the ocean site, the cannery generating the waste will be solely responsible for any permit violations.

StarKist Samoa Comment 2. Revise the volumes of fish processing wastes generated at their plant as follows:

Fish Processing Wastes Generated	Application Volume (gallons/day)	Revised Volume (gallons/day)	Change (gallons/day)
DAF Sludge	60,000	30,000	-30,000
Cooker Juice	100,000	70,000	-30,000
Press Liquor	40,000	100,000	+60,000
Total Generated	200,000	200,000	0

Revisions are needed to reflect the volumes of waste generated at StarKist Samoa's plant now. According to calculations by StarKist (July 28, 1993), changes in the volume of StarKist Samoa's waste will not have a significant effect on the loading of wastes at the disposal site.

EPA Region IX Response. The proposed increase in the volume of Press Liquor generated at StarKist Samoa's plant required an evaluation of the loading of fish processing wastes disposed at the ocean site. The three tables enclosed with these responses (Evaluation of Fish Cannery Loadings at the American Samoa Ocean Disposal Site, August 1993) document EPA

Evaluation of Fish Cannery Loadings at the American Samoa Ocean Disposal Site

August 1993

Changes to StarKist Permit App.	Volume ^a gal/day	TS ⁷ mg/L	TS ⁴ lb/day	TVS mg/L	TVS lb/day	BOD mg/L	BOD lb/day	O&G mg/L	O&G lb/day	TP mg/L	TP lb/day	TN mg/L	TN lb/day	NH3 mg/L	NH3 lb/day
Requested OD 93-01 DAF Sludge	30000	163430	40773	136180	33974	232320	57959	64100	15992	1640	409	7020	1751	1830	457
Requested OD 93-01 Cooker Juice	70000	114180	66466	63400	36906	185150	107780	11810	6875	940	547	7560	4401	690	402
Requested OD 93-01 Press Liquor	100000	327870	272657	292280	243060	310790	258453	112080	93206	3160	2628	20360	16931	1390	1156
Requested StarKist Daily Loading	200000		379896		313941		424192		116072		3584		23084		2014
Same OD 93-02 DAF Sludge	60000	461790	230415	455560	227306	349350	174312	395700	197438	3790	1891	21820	10887	3470	1731
Same OD 93-02 Precooker Water	100000	115180	95784	84450	70229	64650	53763	11180	9297	1850	1538	12830	10669	410	341
Same OD 93-02 Press Water	40000	381510	126905	409310	136153	365550	121597	165860	55172	2950	981	35100	11676	830	276
Same VCS Samoa Daily Loading	200000		453104		433688		349671		261907		4411		33232		2348
Proposed Total Daily Loading	400000		833000		747628		773863		377980		7995		56316		4363
% StarKist Load Contribution	50		46		42		55		31		45		41		46
% Change from Original SK App.	0		7		9		3		8		7		8		1
% VCS Samoa Load Contribution	50		54		58		45		69		55		59		54
SK 1993 Requested Load - SK 1990 Load	0		-117799		-173537		-296598		-153842		-1183		-16414		-29256
% Change SK 1990 to SK Requested 1993	0		-12		-19		-28		-29		-13		-23		-87

^a On June 30, 1993, StarKist Samoa requested changes in the volumes of fish processing wastes generated at their plant that could be disposed at the ocean site. StarKist Samoa made the following request: a) change DAF Sludge from 60,000 gallons per day to 30,000 gallons per day, b) change Cooker Juice from 100,000 gallons per day to 70,000 gallons per day, and c) change Press Liquor from 40,000 gallons per day to 100,000 gallons per day.

cc: Togipa Tausaga, ASEPA
Sheila Wiegman, ASEPA
Commander, USCG-LO Pago Pago
Maurice Callaghan, StarKist Samoa
James Cox, Van Camp Seafood Company
Michael Macready, VCS Samoa Packing Company
Michael Burns, Blue North Fisheries

Region IX's analysis of StarKist Samoa's proposed changes in the volumes of fish processing wastes generated at their plant.

The concentrations of regulated parameters in the canneries' waste streams have changed substantially since the 1990 ocean dumping permits were issued (see the last two rows on page 2 of the table). If the ocean dumping permits were issued as requested in the canneries' December 8, 1992 applications, loadings at the ocean disposal site would decrease by 22-36% for 8 parameters, and the ammonia loading would decrease by 87%. Granting StarKist Samoa's requested volume changes would reduce the loading of 8 parameters by 12-29%, and ammonia loading would still decrease by 87% (see the last 2 rows on page 3 of the table). Considering the reductions in fish processing waste loading at the ocean disposal site, EPA Region IX will change the permitted volumes of waste generated at StarKist Samoa's plant to: 30,000 gallons/day for DAF Sludge, 70,000 gallons/day for Cooker Juice, and 100,000 gallons/day for Press Liquor (see Special Condition 2.3).

StarKist Samoa Comments 3 and 4. StarKist Samoa requested that they report the actual volume of combined wastes disposed daily at the ocean disposal site, in place of monitoring the volume of each waste stream generated daily. The three waste streams are combined in an onshore storage tank. The composite mixture should be analyzed monthly instead of the monthly analysis of each waste stream onshore. The composite mixture would provide a better representation of the characteristics of the wastes being disposed at the ocean site.

EPA Region IX Response. EPA Region IX agrees that analysis of the three waste streams combined in the onshore storage tank would provide a better characterization of wastes disposed at the ocean site. Continued reporting of the amount of each waste stream generated daily is important to document: a) the volumes of fish processing wastes generated at the plant, and b) the nature of the waste pumped into the onshore storage tanks for eventual ocean disposal. Report Form 1 in Appendix B has been revised to clarify reporting requirements for the daily volumes of fish processing waste generated at the permittee's plant and the daily volume of fish processing wastes disposed at the ocean site.

To obtain data more frequently, EPA Region IX changed the summary report period from 6 months to 3 months (see Special Condition 3.3.2). Consequently, Report Form 2 in Appendix B has been changed to reflect the 3-month reporting period and to allow reporting of the cumulative, monthly, waste volumes for each calendar year.

The new ocean dumping permits will also require the canneries to analyze samples of the fish processing wastes streams combined in the onshore storage tanks before the wastes are loaded into the disposal vessel (see Special Condition 3.3). Once sufficient data are obtained, EPA Region IX will consider deleting the requirements for monthly analysis of the three individual waste streams for each cannery. New limits for the composite wastes cannot be calculated now because data have not been obtained to support new limits.

StarKist Samoa Comment 5. StarKist Samoa requested that bioassays of fish processing wastes and a reevaluation of the disposal site model be deleted from the permit because characteristics of the waste streams have remained essentially the same. If bioassays are still

required, they requested that the site modeling report be deferred until 18 months after the effective date of the permit.

EPA Region IX Response. See EPA Region IX's response to VCS Samoa Packing's Comment 1. EPA Region IX agrees with StarKist's request for a longer time to prepare the model reevaluation report. Therefore, the submittal date for the report discussing new bioassays and the disposal plume reevaluation has been changed from 1 year to 18 months in both permits (see Special Condition 3.3.5).

StarKist Samoa Comment 6. StarKist Samoa requested that the requirement for computer modeling be deleted from Special Condition 3.3.5 because the dimensions of the FV TASMAN SEA fall within the range of vessels evaluated in the March 1990 modeling study.

EPA Region IX Response. See EPA Region IX's response to VCS Samoa Packing's Comment 1. The dimensions of the new disposal vessel are not the most important reasons for reevaluating the disposal plume model.

**MARINE PROTECTION, RESEARCH AND SANCTUARIES ACT § 102
OCEAN DUMPING PERMIT**

PERMIT NUMBER AND TYPE: OD 93-01 Special

EFFECTIVE DATE: September 1, 1993

EXPIRATION DATE: August 31, 1996

PERMITTEE: StarKist Samoa, Inc.
P.O. Box 368
Pago Pago, American Samoa 96799

WASTE GENERATOR: StarKist Samoa, Inc.
P.O. Box 368
Pago Pago, American Samoa 96799

WASTE GENERATED AT: StarKist Samoa, Inc.
P.O. Box 368
Pago Pago, American Samoa 96799

PORT OF DEPARTURE: Pago Pago Harbor, American Samoa

WASTE TRANSPORTER: FV TASMAN SEA
Blue North Fisheries, Inc.
1130 N.W. 45th Street
Seattle, Washington 98107-4626

A special ocean dumping permit is being issued to StarKist Samoa, Inc. because the Regional Administrator of EPA Region IX has determined that disposal of fish processing wastes off American Samoa meets EPA's ocean dumping criteria at 40 C.F.R. Parts 227 and 228. For this permit, the term "fish processing wastes" shall refer to Dissolved Air Flotation (DAF) Sludge, Cooker Juice and Press Liquor generated at the permittee's plant in Pago Pago, American Samoa; or any combination of the three waste streams pumped from StarKist Samoa's onshore holding tanks into the ocean disposal vessel for transportation to the ocean disposal site.

This special permit authorizes the transportation and dumping into ocean waters of fish processing wastes as described in the special conditions section pursuant to the Marine Protection, Research, and Sanctuaries Act (MPRSA) of 1972 (33 U.S.C. § 1401 *et seq.*) as amended (hereinafter referred to as "the Act"); regulations issued thereunder; and the terms and conditions stated below.

This MPRSA Special Permit does not contain any information collection requirements subject to Office of Management and Budget review under the Paper Work Reduction Act of 1980 (44 U.S.C. § 3501 *et seq.*). This determination has been made because the permit does not require data collection by more than 10 persons.

1. GENERAL CONDITIONS

- 1.1. Operation under this special ocean dumping permit shall conform to all applicable federal statutes and regulations including, but not limited to, the Act, the Marine Plastic Pollution Research and Control Act of 1987 (P.L. 100-220), the Clean Water Act (33 U.S.C. § 1251 *et seq.*), and the Ports and Waterways Safety Act (33 U.S.C. § 1221 *et seq.*).
- 1.2. All transportation and dumping authorized herein shall be undertaken in a manner consistent with the terms and conditions of this permit. StarKist Samoa, Inc. (hereafter referred to as "the permittee") shall be liable for compliance with all such terms and conditions. The permittee shall be held liable under § 105 of the Act (33 U.S.C. § 1415) if any permit violations occur. During disposal operations when the permittee's fish processing wastes are loaded aboard the disposal vessel in holding tanks, either separately or combined with similar fish processing wastes from other permittees authorized to use the ocean disposal site defined in Special Condition 2.2, the permittees shall be held individually liable under § 105 of the Act (33 U.S.C. § 1415) if a permit violation occurs. If a permit violation occurs during the transportation and disposal of fish processing wastes, the waste transporter may also be liable for permit violations.
- 1.3. Under § 105 of the Act, any person who violates any provision of the Act, 40 C.F.R. Parts 220 through 228 promulgated thereunder, or any term or condition of this permit shall be liable for a civil penalty of not more than \$50,000 per day for each violation. Additionally, any knowing violation of the Act, 40 C.F.R. Parts 220 through 228, or the permit may result in a criminal action being brought with penalties of not more than \$50,000 or one year in prison, or both. Violations of the Act or the terms and conditions of this permit include but are not limited to:
 - 1.3.1. Transportation to, and dumping at any location other than that defined in Special Condition 2.2 of this permit;
 - 1.3.2. Transportation and dumping of any material not identified in this permit, more frequently than authorized in this permit, or more than the quantities identified in this permit, unless specifically authorized by a written modification hereto;
 - 1.3.3. Failure to conduct permit monitoring as required in Special Conditions 3.1, 3.3.1, 4.7 and 5.1; or
 - 1.3.4. Failure to file reports on fish processing wastes and disposal site monitoring reports as required in the Special Conditions.

- 1.4. Nothing contained herein shall be deemed to authorize, in any way, the transportation from the United States for the purpose of dumping into the ocean waters, the territorial sea, or the contiguous zone, the following materials:
- 1.4.1. High-level radioactive wastes;
 - 1.4.2. Materials, in whatever form, produced for radiological, chemical, or biological warfare;
 - 1.4.3. Persistent synthetic or natural materials which may float or remain in suspension in the ocean; or
 - 1.4.4. Medical wastes as defined in § 3(k) of the Act.
 - 1.4.5. Flotables, garbage, domestic trash, waste chemicals, solid waste, or any materials prohibited by the Act or the Marine Plastic Pollution Research and Control Act.
- 1.5. Nothing contained herein shall be deemed to authorize, in any way, violation of applicable American Samoa Water Quality Standards. The following water quality standards apply:

Table 1. 1989 American Samoa Water Quality Standards: Oceanic Waters [§24.0207(g)(1-7)].

Parameter	Median Not to Exceed the Given Value
Turbidity	0.20 NTU
Total Phosphorus	11.0 µg-P/L
Total Nitrogen	115.0 µg-N/L
Chlorophyll <i>a</i>	0.18 µg/L
Light Penetration Depth	150 feet, to exceed the given value 50% of the time.
Dissolved Oxygen	Not less than 80% of saturation or less than 5.5 mg/L. If the natural level of dissolved oxygen is less than 5.5 mg/L, then the natural dissolved oxygen level shall become the standard.
pH	The pH range shall be 6.5 to 8.6 pH units and within 0.2 pH units of the level which occurs naturally.

- 1.6. After notice and opportunity for a hearing, this permit may be revised, revoked or limited, in whole or in part, subject only to the provisions of 40 C.F.R. §§ 222.3(b) through 222.3(h) and 40 C.F.R. § 223.2, as a result of a determination by the Regional Administrator of EPA that:
 - 1.6.1. The cumulative impact of the permittee's dumping activities or the aggregate impact of all dumping activities in the dump site designated in Special Condition 2.2 should be categorized as Impact Category I, as defined in 40 C.F.R. § 228.10(c)(1);
 - 1.6.2. There has been a change in circumstances regarding the management of the disposal site designated in Special Condition 2.2;
 - 1.6.3. The dumping authorized by the permit would violate applicable American Samoa Water Quality Standards;
 - 1.6.4. The dumping authorized can no longer be carried out consistent with the criteria defined at 40 C.F.R. Parts 227 and 228;
 - 1.6.5. The permittee violated any term or condition of the permit;
 - 1.6.6. The permittee misrepresented, or did not disclose all relevant facts in the permit application accurately; or
 - 1.6.7. The permittee did not keep records, engage in monitoring and reporting activities, or to notify appropriate officials in a timely manner of the transportation and dumping activities as specified in any condition of this permit.
- 1.7. The permittee shall ensure always that facilities, including any vessels associated with the permit, are in good working order to achieve compliance with the terms and conditions of this permit. During all loading operations, there shall not be a loss of fish processing wastes to any waterway. During transport to the disposal site, there shall not be a loss of fish processing wastes to Pago Pago Harbor or the ocean.
- 1.8. Any change in the designated fish processing waste transporter may be made at the discretion of the Regional Administrator or his delegate. A written request for such a transfer shall be made by the permittee at least thirty (30) days before the requested transfer date. Written approval by the EPA Regional Administrator must be obtained before such a transfer occurs.
- 1.9. The permittee shall allow the EPA Regional Administrator, the Commander of the Fourteenth U.S. Coast Guard District (USCG), the Director of the American Samoa Environmental Protection Agency (ASEPA), and/or their authorized representatives to:

- 1.9.1. Enter into, upon, or through the permittee's premises, vessels, or other premises or vessels under the control of the permittee, where, or in which, a source of material to be dumped is located or in which any records are required to be kept under the terms and conditions of this permit or the Act;
 - 1.9.2. Have access to and copy any records required to be kept under the terms and conditions of this permit or the Act;
 - 1.9.3. Inspect any dumping equipment, navigational system equipment, monitoring equipment or monitoring methods required in this permit;
 - 1.9.4. Sample or require that a sample be drawn, under EPA, USCG, or ASEPA supervision, of any materials discharged or to be discharged; or
 - 1.9.5. Inspect laboratory facilities, data, and quality control records required for compliance with any condition of this permit.
- 1.10. Material which is regulated by this permit may be disposed of, due to an emergency, to safeguard life at sea in locations or in a manner that does not comply with the terms of this permit. If this occurs, the permittee shall make a full report, according to the provisions of 18 U.S.C. § 1001, within 15 days to the EPA Regional Administrator, the USCG and the ASEPA describing the conditions of this emergency and the actions taken, including the location, the nature and the amount of material disposed.
 - 1.11. The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of rights, nor any infringement of Federal, State or local laws or regulations, nor does it obviate the necessity of obtaining State or local assent required by applicable law for the activity authorized.
 - 1.12. This permit does not authorize or approve the construction of any onshore or offshore physical structures or facilities, or, except as authorized by this permit, the conduct of any work in any navigable waters.
 - 1.13. Unless otherwise provided for herein, all terms used in this permit shall have the meanings assigned to them by the Act or 40 C.F.R. Parts 220 through 228, issued thereunder.

2. SPECIAL CONDITIONS - DISPOSAL SITE AND FISH PROCESSING WASTE CHARACTERIZATION

Special conditions are necessary to define the length of the permit period, identify the disposal site location, describe fish processing waste streams and define maximum permitted limits for DAF Sludge, Cooker Juice and Press Liquor.

2.1. Location of the Waste Generator and Duration of the Permit

2.1.1. The material to be dumped shall consist of fish processing wastes, defined in Special Conditions 2.3 and 2.4, generated at the permittee's fish cannery in Pago Pago, American Samoa.

2.1.2. This permit shall become effective on September 1, 1993 and it shall expire three years from the effective date at midnight on August 31, 1996.

2.2. Location of Disposal Site

Disposal of fish processing wastes generated at the location defined in Special Condition 2.1.1 shall be confined to a circular area with a 1.5 nautical mile radius, centered at 14° 24.00' South latitude by 170° 38.30' West longitude.

2.3. Description of Fish Processing Wastes

2.3.1. During the term of this permit, and according to all other terms and conditions of this permit, the permittee is authorized to transport and dispose a maximum of 200,000 gallons per day of fish processing wastes pumped from a storage tank on the permittee's premises. The fish processing wastes pumped from the permittee's storage tank are authorized for disposal at the designated ocean disposal site. Fish processing wastes pumped into the permittee's onshore storage tanks shall not exceed the following amounts:

Table 2. Volumes of Fish Processing Wastes Generated Each Day by StarKist Samoa and Pumped into a Storage Tank before Loading into the Ocean Disposal Vessel.

Fish Processing Waste	Maximum Volume Generated (gallons/day)
Dissolved Air Flotation (DAF) Sludge	30,000
Cooker Juice	70,000
Press Liquor	100,000
Maximum Daily Volume Generated and Pumped into a Storage Tank before Loading into the Disposal Vessel	200,000

2.4. Fish Processing Waste Stream Limits

Table 3. Limits for DAF Sludge, Cooker Juice and Press Liquor.

Physical or Chemical Parameter (units) ^a	DAF Sludge	Cooker Juice	Press Liquor
Total Solids (mg/L)	163,430	114,180	327,870
Total Volatile Solids (mg/L)	136,180	63,400	292,280
5-Day BOD (mg/L)	232,320	185,150	310,790
Oil and Grease (mg/L)	64,100	11,810	112,080
Total Phosphorus (mg/L)	1,640	940	3,160
Total Nitrogen (mg/L)	7,020	7,560	20,360
Ammonia (mg/L)	1,830	690	1,390
pH (pH units)	5.3 to 7.0	5.9 to 7.0	5.8 to 7.0
Density (g/mL)	0.97 to 1.06	0.98 to 1.06	0.99 to 1.08

a = All calculated values were rounded to the nearest 10, except density and pH ranges.

2.4.2. Permitted Maximum Concentrations for each type of fish processing waste stream were calculated based on an analysis of historical data from the permittee's previous Special Ocean Dumping Permit, number OD 90-01. The calculations followed EPA's recommended procedure for determining permit limits as defined in the EPA document titled: "Guidance Document for Ocean Dumping Permit Writers" (January 30, 1988). EPA Region IX will periodically review these limits during the permit to evaluate the accuracy of the limits. If revisions are necessary, EPA Region IX will make changes according to the authority defined in the Ocean Dumping Regulations at 40 C.F.R §§ 223.2 through 223.5.

2.4.3. The Permitted Maximum Concentrations, density range and pH range listed above, shall not be exceeded at any time during the term of this permit.

3. SPECIAL CONDITIONS - ANALYSIS OF FISH PROCESSING WASTES

Compliance with the permitted maximum concentrations defined in Special Condition 2.4 shall be determined by monthly monitoring of **each of the fish processing waste streams**. Additional analyses of fish processing wastes and reporting requirements are defined in this section. Any fish processing waste stream sampling dates shall be scheduled

within the first two weeks of the month to allow enough time for laboratory analyses and report writing to comply with Special Condition 3.3.

3.1. Analyses of Fish Processing Wastes

- 3.1.1. Concentrations or values of the parameters listed in Special Condition 2.4 and those listed in the table below shall be determined for each fish processing waste stream. A sample of each fish processing waste stream shall be taken before the individual streams are mixed and pumped into an onshore storage tank. A sample shall consist of three replicate grab samples, taken on the day that sampling is scheduled, pooled for use as a composite sample. The detection limits specified in Table 4 shall be used in all fish processing waste stream analyses.

Table 4. Physical and Chemical Parameters to be Analyzed from Individual Samples of DAF Sludge, Cooker Juice and Press Liquor.

Parameter	Method Detection Limit
Total Solids	10.0 mg/L
Total Volatile Solids	10.0 mg/L
5-Day BOD	10.0 mg/L
Oil and Grease	10.0 mg/L
Total Phosphorus	1.0 mg/L
Total Nitrogen	1.0 mg/L
Ammonia	1.0 mg/L
pH	0.1 pH units
Density	0.01 g/mL

- 3.1.2. In addition to the fish processing waste stream samples taken under Special Condition 3.1.1, the permittee shall analyze samples taken from its onshore fish processing waste storage tank during the transfer of these wastes to the disposal vessel's holding tanks.

- 3.1.2.1. Three samples shall be taken from the onshore storage tank transfer line at 10 minute intervals. These samples shall be composited to produce one sample for analysis. The permittee's samples shall not be combined with fish processing waste from any other permittee.

- 3.1.2.2. Samples described in Special Condition 3.1.2.1 shall be taken for 12 months. Samples shall be collected on the same day that samples are taken for analysis under Special Condition 3.1.1 and another sample shall be taken one week later.
 - 3.1.2.3. The same parameters and detection limits listed in Table 4 shall be analyzed and used for the onshore storage tank composite samples. This sampling and analysis program will provide 2 samples per month for 12 months yielding 24 samples.
 - 3.1.2.4. The permittee shall send a copy of the analytical data for the onshore storage tank samples to EPA Region IX every 3 months during the 12-month sampling period. EPA Region IX will use these results to calculate limits for the onshore storage tank fish processing wastes. When the onshore storage tank limits are calculated, EPA Region IX will evaluate whether to amend this permit using the new limits.
- 3.1.3. All sampling procedures, analytical protocols, and quality control/quality assurance procedures shall be performed according to guidelines specified by EPA Region IX. The following references shall be used by the permittee:
- 3.1.3.1. 40 C.F.R. Part 136, EPA Guidelines Establishing Test Procedures for the Analysis of Pollutants Under the Clean Water Act;
 - 3.1.3.2. Tetra Tech, Incorporated. 1985. Summary of U.S. EPA-approved Methods, Standard Methods and Other Guidance for 301(h) Monitoring Variables. Final program document prepared for the Marine Operations Division, Office of Marine and Estuarine Protection, U.S. Environmental Protection Agency. EPA Contract No. 68-01-693. Tetra Tech, Incorporated, Bellevue, Wa.; and
 - 3.1.3.3. Environmental Protection Agency. 1987. Quality Assurance and Quality Control for 301(h) Monitoring Programs: Guidance on Field and Laboratory Methods. Office of Marine and Estuarine Protection, Washington, D.C. EPA 430/9-86-004.

3.2. Analytical Laboratory

- 3.2.1. Within 30 days of the effective date of this permit, the name and address of the contract laboratory or laboratories and a description of all analytical test procedures and quality assurance/quality control procedures, including detection limits being used, shall be provided for EPA Region IX approval.

- 3.2.2. Any potential variation or change in the designated laboratory or analytical procedures shall be reported, in writing, for EPA Region IX approval.
- 3.2.3. EPA Region IX may require analyses of quality control samples by any laboratories employed to comply with Special Condition 3.1 and Appendix A. Upon request, the permittee shall provide EPA Region IX with the analytical results from such samples.
- 3.2.4. A complete analysis of parameters, required in Special Condition 3.1, shall be made by the permittee and reported to EPA Region IX and the ASEPA whenever there is a significant change in the quality of a fish processing waste stream as determined by EPA Region IX or the ASEPA. If necessary, bioassays may be required in addition to parameter analyses.

3.3. Reporting

- 3.3.1. The permittee shall provide EPA Region IX, ASEPA, the National Marine Fisheries Service (NMFS), the U.S. Fish and Wildlife Service (USFWS) and the Western Pacific Regional Fishery Management Council (WPRFMC) with a report, prepared every 3 months during the permit period, that contains the following information:
 - 3.3.1.1. Daily volumes of DAF Sludge, Cooker Juice and Press Liquor generated at the permittee's facility and pumped into the permittee's onshore storage tanks. These volumes shall be reported in gallons per day using Form 1 (see Appendix B);
 - 3.3.1.2. Daily volumes of fish processing wastes disposed at the ocean disposal site. These volumes shall be reported in gallons per day using Form 1 (see Appendix B);
 - 3.3.1.3. Monthly fish processing waste stream analyses demonstrating that the fish processing wastes being dumped comply with the permitted limits of parameters listed in Special Condition 2.4 and a summary of the volumes of fish processing wastes disposed at the ocean site using Form 2 (see Appendix B);
 - 3.3.1.4. The monthly amount of alum (aluminum sulfate) and coagulant polymer added to the fish processing waste streams reported in pounds per month (see Forms 1 and 2).
- 3.3.2. Such reports, including a comparison with the permit limits as required on Forms 1 and 2, shall be submitted to EPA Region IX, ASEPA, NMFS USFWS and WPRFMC within 45 days of the end of the preceding 3-month period for which they were prepared. The reports shall be submitted within this time unless extenuating circumstances are communicated to EPA Region IX and the ASEPA in writing. In addition to a hard copy of Forms 1 and 2, the data

contained on Form 1 shall be submitted to EPA Region IX on a 3.5" computer diskette in a format compatible with LOTUS version 2.2.

- 3.3.3. A summary report of all 3-month reports listed in Special Condition 3.3.1, including a comparisons with permit limits and a detailed discussion of the summary results, shall be submitted by the permittee to EPA and the ASEPA 45 days after the permit expires. All fish processing waste stream data shall be reported in the same format as required in Special Condition 3.3.2.
- 3.3.4. Upon detection of a violation of any permit condition, the permittee shall send a written notification of this violation to EPA Region IX and the ASEPA within five working days and a detailed written report of the violation shall be sent to the agencies within 15 working days. This notification shall pertain to any permit limits (defined in Special Condition 2.4) that are exceeded, violation of volume limits (defined in Table 2 under Special Condition 2.3.1), and any disposal operation that occurs outside the disposal site defined in Special Condition 2.2.
- 3.3.5. Eighteen months from the effective date of this special permit, the permittee shall submit a report to EPA and ASEPA on the results of suspended phase bioassay tests and reevaluation of the model used to predict the concentrations of fish processing wastes disposed at the designated site. The suspended phase bioassays shall be conducted using at least one species from each of the following three groups: Group 1 = *Mytilus* sp. (mussel), *Crassostrea* sp. (oyster), *Acartia tonsa* (copepod), or *Trypneustes* sp. (sea urchin) larvae; Group 2 = *Holmesimysis costata* (mysid shrimp) or *Penaeus vannamei* (white shrimp); and Group 3 = *Citharichthys stigmaeus* (speckled sanddab) or *Coryphaena hippurus* (dolphinfish) juveniles.

Appropriate suspended phase bioassay protocols, either protocols approved by EPA or protocols published by the American Society for Testing and Materials (ASTM), shall be followed. Suspended particulate phase bioassays shall be run using the following fish processing waste concentrations: 100%, 75%, 50%, 25%, 10%, 5%, and a control (0%). A minimum of five replicates are required per dilution concentration. Concurrent reference toxicant tests shall be conducted when the suspended phase bioassays are run.

A sampling and testing plan shall be submitted to EPA Region IX and ASEPA by October 1, 1993 for approval before the bioassay tests are conducted. Samples for the suspended particulate phase bioassays shall be composited from the permittee's onshore storage tanks. Three samples shall be taken from the onshore storage tank transfer line at 10 minute intervals. These samples shall be composited to produce one sample for analysis. The permittee's samples shall not be combined with fish processing waste from any other permittee. The permittee shall take samples on the following dates: November 30, 1993, February 28, 1994 and May 31, 1994. Samples shall be collected and shipped to the testing laboratory according to EPA-approved methods to

ensure that the samples do not change before the bioassay tests begin. All suspended particulate phase bioassays shall be started within 10 days of sampling.

The testing plan submitted by October 1, 1993 should also include a proposal to reevaluate the disposal site model using results obtained from the new series of suspended phase bioassays. These bioassays are being required to confirm the toxicity of the fish processing wastes and to reevaluate the disposal operations based on the use of a different disposal vessel.

The bioassay and computer model confirmation report shall contain the following information:

3.3.5.1. INTRODUCTION AND PROJECT DESCRIPTION

The project description should include the following information about fish processing waste toxicity, previous bioassay test results, previous modelling at the ocean disposal site, and the design of the new bioassay tests.

3.3.5.2. MATERIALS AND METHODS

Fish processing waste sampling and sample handling procedures should be described or referenced.

References for laboratory protocols for suspended phase bioassay tests.

- 1) EPA-approved methods and references.
- 2) Test species used in each test, the supplier or collection site for each test species, and QA/QC procedures for maintaining the test species.
- 3) Source of seawater used in reference, control and bioassay tests.
- 4) Data and statistical analysis procedures.
- 5) Limiting Permissible Concentration (LPC) calculations.
- 6) Description of model selected to evaluate dispersal of fish processing wastes at the ocean disposal site. Use of this model shall be approved by EPA Region IX and ASEPA before it is used by the permittee to evaluate the fish processing waste disposal plume.

3.3.5.3. DESCRIPTION OF SAMPLING PROCEDURES

QA/QC procedures and actual sampling procedures used during fish processing waste stream sampling and handling of the samples.

3.3.5.4. FINAL RESULTS, ANALYSIS OF DATA AND DISCUSSION

- 1) Complete bioassay data tables and summary bioassay tables shall be furnished in the report. All data tables should be typed or produced as a computer printout.
- 2) The permittee shall analyze the bioassay data and calculate the LPC of the material as defined at 40 C.F.R. § 227.27(a-b).
- 3) The permittee shall use the LPC in the approved plume model to determine the concentration of fish processing wastes disposed at the designated ocean disposal site which complies with EPA's Ocean Dumping Criteria defined at 40 C.F.R. Parts 227 and 228.

3.3.5.5. REFERENCES

This list should include all references used in the field sampling program, laboratory protocols, LPC calculations, modelling analyses, and historical data used to evaluate the fish processing waste disposal operations at the designated ocean disposal site.

3.3.5.6. DETAILED QA/QC PLANS AND INFORMATION

The following topics should be addressed in the QA Plan:

- 1) QA objectives.
- 2) Organization, responsibilities and personnel qualifications, internal quality control checks.
- 3) Sampling and analytical procedures.
- 4) Equipment calibration and maintenance.
- 5) Sample custody and tracking.
- 6) documentation, data reduction, and reporting.
- 7) Data validation.
- 8) Performance and systems audits.
- 9) Corrective action.
- 10) Reports.

4. SPECIAL CONDITIONS - VESSEL OPERATIONS

Specifications for vessel operations are defined to limit dumping activities to the dump site identified in Special Condition 2.2 and to record all dumping activities. The permittee's fish processing wastes and fish processing wastes of other authorized permittees may be loaded into the disposal vessel together or separately.

4.1. Posting of the Permit

This permit, or a true copy thereof, shall be placed in a conspicuous place on any vessel which is used for the transportation and dumping authorized by this permit.

4.2. Vessel Identification

Every vessel engaged in the transportation of fish processing wastes for ocean disposal shall have its name and number painted in letters and numbers at least fourteen (14) inches high on both sides of the vessel. The name and number shall be kept distinctly legible always, and a vessel without such markings shall not be used to transport or dump fish processing wastes.

4.3. Determination of the Disposal Location Within the Dump Site

On each disposal trip, the master of the disposal vessel shall determine the location of the disposal operation as follows:

- 4.3.1. The disposal vessel, as defined under WASTE TRANSPORTER on page 1 of this permit, shall proceed directly to the center of the disposal site at the location specified in Special Condition 2.2.
- 4.3.2. The master of the vessel shall observe the conditions at the dump site center, noting the vessel's position (latitude and longitude), wind direction and observed surface current direction.
- 4.3.3. After the conditions defined in Special Condition 4.3.2 have been recorded, the master of the disposal vessel shall proceed 1.1 nautical miles up current from the center of the disposal site and record the position of the disposal vessel (latitude and longitude). This position shall be the starting point for disposal operations for each disposal trip.
- 4.3.4. The master of the disposal vessel shall prepare a hard copy (on 8.5 inch by 11 inch paper) of the computerized navigational plot documenting compliance with the procedures defined in Special Conditions 4.3.1 through 4.3.4. The hard copy of the computerized navigational plot for each disposal trip shall be supplied to the permittee. The permittee shall submit these hard copies of the computerized navigational plots with the 3-month reports required under Special Condition 3.3.1. The hard copies of the navigational plots shall include:

- 4.3.4.1. The disposal vessel's course during the entire dumping operation; and
- 4.3.4.2. The times and location of entry and exit from the disposal site, position and time of arrival at the center of the disposal site, position and time of arrival at the location 1.1 nautical miles up current from the disposal site, beginning and ending of dumping operations, and disposal vessel position plotted every 15 minutes while dumping operations occur.
- 4.3.5. The master of the disposal vessel shall sign and date each hard copy of the computerized navigational plots certifying that the hard copies are an accurate record of the disposal vessel's track for each disposal trip.
- 4.3.6. The master of the disposal vessel shall certify that disposal operations occurred in the manner required by the permit.
- 4.3.7. The procedures listed in Special Conditions 4.3.1 through 4.3.6 shall be repeated for each disposal trip.

4.4. Disposal Rate and Vessel Speed

- 4.4.1. The disposal vessel/barge shall discharge the material authorized by this permit beginning at the disposal location as determined by Special Condition 4.3.3. The vessel track shall be in a direction that is perpendicular to the current detected at the center of the disposal site as defined in Special Condition 2.2. Disposal shall occur in a oval shape along an axis at least 0.5 nautical miles on either side of the starting point determined in Special Condition 4.3.3. The entire disposal vessel track shall be within the disposal site boundaries.
 - 4.4.1.1. From June 1 through November 30, fish processing wastes shall be pumped from the disposal vessel into the ocean at a rate of 140 gallons per minute per knot, not to exceed 1,400 gallons per minute at a maximum speed of 10 knots.
 - 4.4.1.2. From December 1 through May 31, fish processing wastes shall be pumped from the disposal vessel into the ocean at a rate of 120 gallons per minute per knot, not to exceed 1,200 gallons per minute at a maximum speed of 10 knots.

4.5. Computerized Navigational System

The permittee shall use an onboard computerized electronic positioning system to fix the position of the disposal vessel accurately during all dumping operations. The computerized navigational system and the method to produce a 8.5 inch by 11 inch hard copy of each disposal trip must be approved by EPA Region IX and the USCG Liaison Office (CGLO) Pago Pago. The permittee shall submit the description, specifications and example

hard copy plots for the computerized navigational system at least 15 working days before the effective date of the permit. Disposal operations shall not begin until EPA Region IX and CGLO Pago Pago provide the permittee with written approval for the computerized navigation system and the hard copy plots.

4.6. Permitted Times for Disposal Operations

Dumping operations shall be restricted to daylight hours, unless an emergency exists as defined at 40 C.F.R. § 220.1(c)(4). ASEPA and CGLO Pago Pago shall be notified immediately if an emergency exists and ocean disposal is required to protect human life at sea. No later than 5 working days after the emergency, the permittee and the waste transporter shall provide EPA Region IX, ASEPA and CGLO Pago Pago with a detailed written report on the emergency situation.

4.7. Reporting of the Ocean Dumping Vessel Operations

4.7.1. The waste transporter shall maintain and the permittee shall submit copies of a daily transportation and dumping log, including hard copy plots of all information required in Special Conditions 4.3 and 4.7.2. Copies of the daily logs shall be sent to EPA Region IX, CGLO Pago Pago, and the ASEPA as part of the 3-month report.

4.7.2. The logbook shall contain the following information for each disposal trip:

- 4.7.2.1. Permit number, date and consecutive trip number;
- 4.7.2.2. Record of contact with ASEPA and CGLO before each trip to the ocean disposal site.
- 4.7.2.3. The time when loading of the vessel commences and ceases in Pago Pago Harbor;
- 4.7.2.4. The volume of fish processing waste loaded into the disposal vessel from each fish cannery;
- 4.7.2.5. The time and navigational position that dumping commences and ceases;
- 4.7.2.6. A record of vessel speed and direction every 15 minutes during each dumping operation at the disposal site, and a hard copy of the vessel's course defined in Special Condition 4.3;
- 4.7.2.7. Discharge rate from the disposal vessel.
- 4.7.2.8. Observe, note and plot the time and position of any floatable material;

- 4.7.2.9. Observe, note and plot the wind speed and direction every 30 minutes while dumping fish processing wastes at the designated disposal site;
- 4.7.2.10. Observe and note current direction at the beginning and end of the disposal trip, and the direction of the disposal plume at the end of the disposal operation;
- 4.7.2.11. Observe, note and plot the presence of the previous disposal plume and any unusual occurrences during the disposal trip, or any other information relevant to the assessment of environmental impacts as a result of dumping activities; and
- 4.7.2.12. Any unusual occurrences noted under Special Condition 4.7.2.9 shall be highlighted in the report defined in Special Condition 3.3.1.

5. SPECIAL CONDITIONS - DUMP SITE MONITORING

The monitoring program for disposal of fish processing wastes in the ocean must document effects of disposed wastes on the receiving waters, biota, and beneficial uses of the receiving waters; compliance with EPA's Ocean Dumping Regulations; and determine compliance with permit terms and conditions. Revisions to the monitoring program may be made under the direction of EPA Region IX at any time during the permit term, in compliance with 40 C.F.R. §§ 223.2 and 223.3. This may include a change in the number of parameters to be monitored, the frequency of monitoring, the location of sample stations, or the number and size of samples to be collected.

Implementation of the disposal site monitoring program and all segments of the monitoring program specified in Special Condition 5 and Appendix A shall be the responsibility of the permittee.

5.1. Monitoring Program

The permittee shall conduct the monitoring program, defined in Appendix A, to determine the environmental impacts of ocean dumping of fish processing waste. If possible, monitoring cruises shall be scheduled within the first two weeks of each month to allow enough time for laboratory analysis and report writing in compliance with Special Condition 5.2. The permittee shall notify the ASEPA at least 48 hours before any scheduled monitoring activities.

5.2. Monitoring Reports

Monthly site monitoring reports shall be submitted to EPA Region IX, the ASEPA, NMFS, USFWS and WPRFMC with the 3-month reports as specified in Special Condition 3.3.2. The reports shall include: neatly compiled raw data for all sample analyses, quality assurance/quality control data, statistical analysis of sample variability

between stations and within samples for each parameter, and a detailed discussion of the results.

5.3. Final Summary Report

5.3.1. A report shall be submitted to EPA Region IX, ASEPA, NMFS, USFWS and WPRFMC 60 days after the permit expires. This report shall summarize all of the data collected to characterize fish processing wastes and the results of the dump site monitoring program specified in this special permit.

5.3.2. At a minimum, the summary report shall contain the following sections:

5.3.2.1. Introduction (including a summary of previous ocean disposal activities),

5.3.2.2. Location of Sampling Sites,

5.3.2.3. Materials and Methods,

5.3.2.4. Results and Discussion (including comparisons and contrasts with previous MPRSA § 102 research and special permit data related to disposal of fish processing wastes off American Samoa),

5.3.2.5. Conclusions; and

5.3.2.6. References.

5.4. Quality Assurance/Quality Control

5.4.1. All appropriate phases of the monitoring, sampling, and laboratory analytical procedures shall comply with the EPA Region IX-specified protocols and references listed in Special Condition 3.1.2.

5.4.2. The qualifications of the on-site Principal Investigator in charge of the field monitoring operation at the dump site shall be submitted to EPA Region IX and the ASEPA for approval before the initial monitoring cruise. Notification of any change in this individual shall be submitted to EPA Region IX and ASEPA at least 7 days before the cruise is scheduled.

6. SPECIAL CONDITIONS - NOTICE TO REGULATORY AGENCIES

6.1. Notice of Sailing to the U.S. Coast Guard Liaison Office and the American Samoa Environmental Protection Agency

6.1.1. The waste transporter shall provide telephone notification of sailing to CGLO Pago Pago at 633-2299 and the ASEPA at 633-2304 during working hours

(7:00 a.m. to 3:30 p.m.) no later than 24 hours before the estimated time of departure for the dump site defined in Special Condition 2.2. A record of contact with both agencies shall be reported with other information for each disposal trip.

6.1.2. The waste transporter shall immediately notify CGLO Pago Pago and the ASEPA upon any changes in the estimated time of departure greater than two hours.

6.1.3. Surveillance of activities at the dump site designated in Special Condition 2.2, may be accomplished by unannounced aerial overflights, a USCG shiprider and/or a ASEPA shiprider who will be on board the towing/conveyance vessel for the entire voyage. Within two hours after receipt of the initial notification the waste transporter will be advised whether or not a shiprider will be assigned to the waste transporter's disposal vessel.

6.1.4. The following information shall be provided to CGLO Pago Pago and the ASEPA in the notification of sailing defined above:

6.1.4.1. The time of departure,

6.1.4.2. Estimated time of arrival at the dump site,

6.1.4.3. Estimated time of departure from the dump site, and

6.1.4.4. Estimated time of return to port.

6.2. Reports and Correspondence

6.2.1. Two copies of all reports and related correspondence required by General Condition 1.10, Special Conditions 3.2, 3.3, 4.3, 4.5, 4.6, 4.7, 5.2, 5.3, 6.1, and all other materials, including applications shall be submitted to EPA Region IX at the following address:

Office of Pacific Island and Native American Programs (E-4)
U.S. Environmental Protection Agency, Region IX
75 Hawthorne Street
San Francisco, California 94105-3901
Telephone (415) 744-1594

6.2.2. Two copies of all reports required by General Condition 1.10 and Special Conditions 4.5, 4.6, 4.7 and 6.1 sent to the U.S. Coast Guard shall be submitted to the following address:

Commanding Officer
U.S. Coast Guard Liaison Office
P.O. Box 249
Pago Pago, American Samoa 96799
Telephone (684) 633-2299

- 6.2.3. Three copies of all reports required by General Condition 1.10 and Special Conditions 3.2, 3.3, 4.3, 4.5, 4.6, 4.7, 5.2, 5.3, and 6.1 sent to the American Samoa Environmental Protection Agency shall be submitted to the following address:

Director
American Samoa Environmental Protection Agency
Office of the Governor
Pago Pago, American Samoa 96799
Telephone (684) 633-2304

- 6.2.4. One copy of the all reports required by Special Conditions 3.3, 5.2 and 5.3 shall be sent to the USFWS, the NMFS and the WPRFMC at the following addresses:

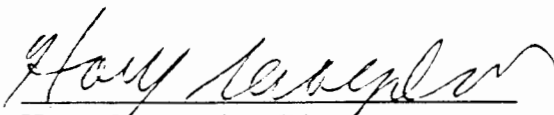
Project Leader
Office of Environmental Services
U.S. Fish and Wildlife Service
300 Ala Moana Boulevard
P.O. Box 50167
Honolulu, Hawaii 96850

Western Pacific Program Officer
National Marine Fisheries Service
2570 Dole Street
Honolulu, Hawaii 96822-2396

Executive Director
Western Pacific Regional Fishery Management Council
1164 Bishop Street, Suite 1405
Honolulu, Hawaii 96813

Signed this 23 day of August, 1993

For the Regional Administrator:



Harry Seraydarian, Director
Water Management Division
U.S. EPA, Region IX

APPENDIX A

SPECIAL OCEAN DUMPING PERMIT OD 93-01 OCEAN DUMP SITE MONITORING PLAN

7. MONITORING OF RECEIVING WATER

Monitoring of the receiving waters at the disposal site defined in Special Condition 2.2 shall be the responsibility of the permittee. Funding and cooperation for site monitoring may be accomplished through an agreement between permittee and other permittees authorized to use the disposal site. Any agreements negotiated between the permittee and other authorized permittees shall be the sole responsibility of the permittee named in this permit. EPA Region IX requires that a monitoring program be developed that complies with the special conditions defined below.

During each monitoring cruise, the disposal plume from the disposal vessel shall be sampled by taking discrete water samples for the measurement of parameters listed in Special Condition 7.2.4. Results of the first 3-month monitoring report will be evaluated by EPA Region IX to determine whether portions of Special Conditions 7 and/or 8 will be revised. The evaluation will be based on documented sampling results and recommendations by the permittee(s).

7.1. Location of Water Sampling Stations

- 7.1.1. On each sampling cruise, the latitude and longitude of all sampling stations shall be determined and plotted using an acceptable navigational system.
- 7.1.2. The Principal Investigator shall ensure that discrete water samples are taken at the locations marked in Figure 1.

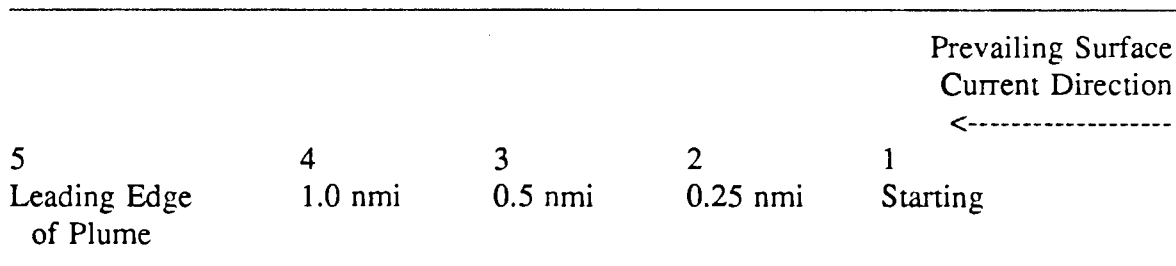


Figure 1. Orientation of Sample Stations (Top View) in the Middle of the Discharge Plume Visually Identified at the Time of Sampling.

- 7.1.3. The following stations, defined in Figure 1, shall be sampled on each sampling cruise:
 - 7.1.4.1. Station 1 shall be the starting point of the dumping operation as determined in Special Condition 4.3.

- 7.1.4.2. Station 2 shall be 0.25 nautical miles (nmi) down-current from Station 1.
 - 7.1.4.3. Station 3 shall be 0.5 nmi down-current from Station 1.
 - 7.1.4.4. Station 4 shall be 1.0 nmi down-current from Station 1.
 - 7.1.4.5. Station 5 shall be at the leading edge of the discharge plume, but within the plume.
- 7.1.4. The Principal Investigator shall ensure that each sampling station is positioned as close as possible to the middle of the discharge plume according to his/her best professional judgment.

7.2. Water Column Characteristics to Be Measured

- 7.2.1. Discrete water samples at Stations 1, 2, 3, 4, and 5 shall be taken at depths of 1, 3, and 10 meters from the surface at the middle of the plume visually identified by the Principal Investigator.
- 7.2.2. Surface water conditions shall be recorded at all stations including:
 - 7.2.2.1. Wind speed and direction;
 - 7.2.2.2. Current direction and wave height; and
 - 7.2.2.3. Observations of plume color (e.g., Forel-Ule color scale), odor, floating materials, grease, oil, scum, and foam.
- 7.2.3. Water samples shall be obtained using a self-closing 3-liter water sample device at each depth listed in 7.2.1.
- 7.2.4. Water column parameters analyzed from discrete samples taken at the depths listed in 7.2.1 shall include:

Table 4. Physical and Chemical Parameters to be Analyzed from Water Samples Taken at the Ocean Disposal Site.

Parameter ^a	Method Detection Limit
Total Suspended Solids	10.0 mg/L
Total Volatile Suspended Solids	10.0 mg/L
Oil and Grease	10.0 mg/L

Parameter^a	Method Detection Limit
Total Phosphorus	1.0 mg/L
Total Nitrogen	1.0 mg/L
Ammonia	1.0 mg/L
pH	0.1 pH units

a = Samples should be acidified to pH <2 with sulfuric acid and refrigerated at 4°C until analysis.

- 7.2.5. Temperature measurements shall be taken at depths of 1, 3, and 10 meters at the starting point of the disposal operation, as defined in Special Condition 4.3.3.

7.3. Frequency of Sampling

- 7.3.1. Water samples shall be collected when dumping operations occur. Each station listed under Special Condition 7.1 shall be sampled once each month. These samples shall be used to characterize the receiving waters at the disposal site.
- 7.3.2. Control samples shall be taken at Station 1 before dumping activities.
- 7.3.3. Station 1 shall be sampled at a point within the plume immediately after discharge operations cease.
- 7.3.4. Stations 2 through 5 shall be sampled consecutively at distances indicated in Special Condition 7.1.4 to allow efficient sampling of the discharge plume. The time between each sample and the sampling location, beginning with the control sample and ending with the sample collected at the leading edge of the plume, shall be recorded.

7.4. Water Quality Criteria and Standards

- 7.4.1. The LPC of the liquid phase of the fish processing wastes shall not be exceeded at the disposal site boundary four hours after disposal operations cease. The LPC, as defined at 40 C.F.R. §227.27, shall not exceed applicable American Samoa Oceanic Water Quality Standards (see Table 1). EPA Region IX and the ASEPA will evaluate the LPC based on EPA's Ocean Dumping Regulations and the concentration of parameters measured at the stations sampled during the tenure of this permit.

8. MONITORING OF BIOLOGICAL COMMUNITIES

8.1. Pelagic Resources

8.1.1. All sightings of fish, sea turtles, sea birds, or cetaceans near the disposal site shall be recorded including:

8.1.1.1. Time, location and bearing;

8.1.1.2. Species name(s); and

8.1.1.3. Approximate number of individuals.

**Monthly Volumes of StarKist Samoa Fish Processing Wastes Generated Per Day
and Volumes of Fish Processing Wastes Disposed at the Ocean Site**

OD 93-01	DAF Sludge Generated (gallons/day)	Cooker Water Generated (gallons/day)	Press Liquor Generated (gallons/day)	Total Generated (gallons/day)
Permit Limits	30,000	70,000	100,000	200,000

[illegible]

Date	DAF Sludge Generated (gallons/day)		Cooker Juice Generated (gallons/day)		Press Liquor Generated (gallons/day)		Total Generated (gallons/day)		Volume Ocean Disposed (gallons/day)	
Monthly Totals										

NOTE: An asterisk (*) to the right of the fish processing waste volume signifies that a violation of the permit limit has occurred. The number of violations are shown in the Monthly Totals row.

Monthly quantities of alum (aluminum sulfate) and coagulant polymer added to the fish processing waste streams:

Aluminum sulfate: _____ pounds/month

Coagulant polymer: _____ pounds/month

APPENDIX B - REPORT FORM 2

Data Form for 3-Month Report on Waste Stream Analyses for StarKist Samoa MPRSA § 102 Permit #OD 93-01

Reporting Period: From _____ 19__ To _____ 19__

StarKist Samoa - Dissolved Air Flotation (DAF) Sludge

Month & Year	Total Solids (mg/L)		Total Volatile Solids (mg/L)		5-Day Biological Oxygen Demand (mg/L)		Oil and Grease (mg/L)		Total Phosphorus (mg/L)		Total Nitrogen (mg/L)		Ammonia (mg/L)		pH (pH units)		Density (g/mL)	
OD 93-01 Permit Limits	163,430		136,180		232,320		64,100		1,640		7,020		1,830		5.3 to 7.0		0.97 to 1.06	

StarKist Samoa - Cooker Juice

Month & Year	Total Solids (mg/L)		Total Volatile Solids (mg/L)		5-Day Biological Oxygen Demand (mg/L)		Oil and Grease (mg/L)		Total Phosphorus (mg/L)		Total Nitrogen (mg/L)		Ammonia (mg/L)		pH (pH units)		Density (g/mL)	
OD 93-01 Permit Limits	114,180		63,400		185,150		11,810		940		7,560		690		5.9 to 7.0		0.98 to 1.06	

StarKist Samoa - Press Liquor

Month & Year	Total Solids (mg/L)		Total Volatile Solids (mg/L)		5-Day Biological Oxygen Demand (mg/L)		Oil and Grease (mg/L)		Total Phosphorus (mg/L)		Total Nitrogen (mg/L)		Ammonia (mg/L)		pH (pH units)		Density (g/mL)	
OD 93-01 Permit Limits	327,870		292,280		310,790		112,080		3,160		20,360		1,390		5.8 to 7.0		0.99 to 1.08	

NOTE: An asterisk (*) next to the waste concentration signifies that a violation of the permit limit has occurred.

**Cumulative Yearly Data on Fish Processing Wastes Generated at StarKist Samoa's Plant and Disposed at the Ocean Site.
MPRSA §102 Special Permit #OD 93-01**

Reporting Period: From _____ 19__ To _____ 19__

Month & Year	DAF Sludge Generated (gallons/month)	Cooker Water Generated (gallons/month)	Press Liquor Generated (gallons/month)	Total Generated (gallons/month)	Aluminum sulfate (pounds/month)	Coagulant polymer (pounds/month)	Volume Ocean Disposed (gallons/month)
Cumulative Yearly Totals							

NOTE: A separate table shall be prepared for each calendar year.

P.O. Box 368
Pago Pago AS 96799.



0000



94105

Ms Pat Young
OPINAP (E-4)
U.S. EPA Region 9
75 Hawthorne St.
San Francisco, CA 94105

Cliff Johnson
(SK)



AT&T

Ocean Dumping for
March, April May 1997

Red
7/14/97
To Allan
Ota

OPINAP FAX TRANSMISSION

USEPA Region 9

Office of Pacific Island and Native American Programs (E-4)

75 Hawthorne Street

San Francisco, CA 94105

FAX NO: (415) 744-1604

VERIFICATION NO: (415) 744-1599

DATE: 9/27/95

PAGES (incl. cover) : 2

TO: Norman Wei
StarKist Seafoods
FAX 310/519-2805

Phone: 310/519-2807

SUBJECT: Calculations for Proposed Permit Limit for Ammonia

FROM: Pat Young, American Samoa Program Manager
USEPA Region 9
Phone: (415) 744-1594

As you requested, attached is a sheet showing the calculations made for the ammonia permit limit we calculated, which included the two low data points (the limit under this scenario is 19,788). On the data sheet, of the three columns which show mean, SD and limit, the last column is misleading. The formula for calculating the limit is used for the Untransformed and the Transformed column. The third column, "Transformed converted to Untransformed" is not calculated using the formula. The limit in this column is derived by taking the limit in the "Transformed" column, and converting it, by taking its natural log. (Please see attached sheet.)

If you have any further questions, please call me. If you don't have any major concerns, I'm trying to get the new limits effective 9/30/95.



Calculations for SK Ammonia Limit
(w/ two low data points)

$$\text{Upper limit}_x = \text{Mean}_x + (k \times \text{Standard Deviation})$$

$$k = \text{constant} = 2.249; P = 0.95$$

Using Mean & SD from "Transformed" column

$$\text{Limit} = 7.913682263 + (2.249 \times 0.880024796)$$

$$9.89285803 = 7.913682263 + 1.979176$$

To convert "transformed" permit limit, take the natural log of the transformed permit limit:

$$E^x$$

$$(\text{where } x = 9.89285803)$$

$$E = 2.7183$$

$$2.7183^{9.89285803} = 19,789.844$$

OPINAP FAX TRANSMISSION

USEPA Region 9

Office of Pacific Island and Native American Programs (E-4)

75 Hawthorne Street

San Francisco, CA 94105

FAX NO: (415) 744-1604

VERIFICATION NO: (415) 744-1599

DATE: 9/26/95

PAGES (incl. cover) : 3

TO: Norman Wei

StarKist Seafoods

FAX 310/519-2805

Phone: 310/519-2807

**SUBJECT: Description of Calculations for Revised Ocean Disposal
Permit Limits**

FROM: Pat Young, American Samoa Program Manager

USEPA Region 9

Phone: (415) 744-1594

**Attached is description of the calculations used in
determining new proposed limits. Call me or Alan Ota if you have
any questions.**

Pat



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

August 29, 1994

Steven L. Costa
Project Manager
CH2M Hill
P.O. Box 12681
Oakland, CA 94604-2681

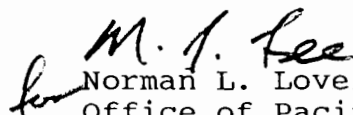
Re: Comments on Bioassay Testing of Ocean Disposed High-Strength
Waste of StarKist Samoa, Inc. and VCS Samoa Packing Company

Dear Steve:

We have reviewed the report of June 29, 1994 for the first of three rounds of bioassays of high-strength waste, as required by the canneries' ocean disposal permits. The report is based on two sampling events: the first was collected on February 16, 1994; and, a second sample was required and tested in March 1994, due to test failure of the echinoderms in the first sample. Your proposed changes to the study methods, as outlined in your memo of July 1, 1994, are acceptable. Enclosed is a memo from Amy Wagner of EPA's Laboratory Support Section, detailing the acceptable changes. Please call Amy at (510) 412-2329 if you have any questions on her comments.

We note that the second and third rounds of testing were scheduled for May and August 1994, and we would like to know if these tests were conducted as scheduled and, if not, the rescheduled dates, and when we can anticipate the reports on these bioassays. Please relay this information to Pat Young, American Samoa Program Manager, or if you have any questions, call her at (415) 744-1594.

Sincerely,


Norman L. Lovelace, Chief
Office of Pacific Island and Native
American Programs (E-4)

Enclosure

cc: Jim Cox, Van Camp Seafood Company
Norman Wei, StarKist Seafood Company
Tony Tausaga, American Samoa EPA
Sheila Wiegman, American Samoa EPA
Allan Ota, W-3-3
Amy Wagner, P-3-1



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX LABORATORY
1337 S. 46TH STREET BLDG 201
RICHMOND, CA 94804-4698

AUG 29 1994

MEMORANDUM

SUBJECT: Review of Bioassay Testing of Starkist, Samoa, Inc. and VCS Samoa
Packing High Strength

FROM: *AW for ALH*
Amy Wagner
Laboratory Section (P-3-1)

THRU: *Brenda Bettencourt*
Brenda Bettencourt, Chief
Laboratory Section (P-3-1)

TO: Pat Young
OPINAP (E-4)

Allan Ota
Wetlands and Sediment Management Section (W-3-3)

At your request, I have reviewed "Results of a Bioassay Conducted on Two High Strength Waste Samples from the Van Camp and Starkist Tuna Canneries in American Samoa." The following recommendations are based on the results of the first round of testing.

1. p. 11. The salinity of the *Mysidopsis bahia* tests were 25 ppt, presumably based on the salinity of the shipping water. An effort should be made to find a supplier that raises mysids in a salinity closer to that of the discharge site, between 30-35 ppt.
2. Appendix, p. 1. It is recommended that the water quality measurements pH, dissolved oxygen, and initial salinity be measured for all samples upon receipt.

3. Appendix, Table 10. The salinities of 26-28 ppt most likely caused the high mortality in controls with the sea urchin toxicity test. If necessary, brine adjustments should be used to increase the salinity of test samples to the test method requirements of 30 ± 2 ppt.
4. To reduce salinity elevation throughout the tests, an attempt should be made to cover test containers to reduce evaporation.

Based on the results of these tests, the following changes in the bioassay methods recommended by CH2M Hill in the cover memo are acceptable.

1. The series of the concentrations for toxicity tests can be reduced to 2.0%, 1.0%, 0.5%, 0.25%, 0.125%, and 0.0625% instead of the suggested series.
2. *Mytilus edulis* can be used instead of *Strongylocentrotus purpuratus* as the third test organism. The oyster *Crassostrea virginica* may be substituted for the mussel test during the months when mussels cannot be spawned.
3. Aeration should be provided in the mussel test containers due to high biological oxygen demand of the effluent. In addition to a control with aeration, a control without aeration should be run. A t-test should be used to determine if there is any significant effect of aeration.

Any questions on the comments can be addressed to me at (510) 412-2329.

cc: Jeff Rosenbloom, Chief
Wetlands and Sediment Management Section (W-3-3)

*Copy to Allan Ota
Mike Lee*

Star-Kist Foods, Inc.

One Riverfront Place
Newport, Kentucky 41071

FAX COVER PAGE

To: Pat Young		From : Norman S. Wei
Number of pages including this cover page : 3		Company : Star-Kist Foods, Inc.
Date : 9/6/94	Time : 23:07:08	For Information Call: 606-655-5842
		Fax Number : 606-655-5610

Subject : Response to August 22 letter

Pat:

I am in Puerto Rico again. But here is my response to your August 22nd letter.

Norman

Star-Kist Foods, Inc.**Memo****DATE:** 7 September 1994**TO:** Pat Young
US EPA American Samoa Program Manager**FROM:** Norman S. Wei *NSW*

Thank you for your letter of August 22, 1994 bringing to my attention several issues concerning StarKist Samoa's ocean disposal permit. Please accept my apologies for the delay in responding to you since I was in Puerto Rico on business when your letter arrived in Kentucky. I have since spoken with our plant personnel and the following are my findings:

1. The delay in filing with the agencies on the permit exceedances was due in large part to the lack of follow-up by the plant personnel to obtain the necessary signature at the plant in a timely fashion. This administrative problem has been resolved and should not recur. Another reason for the delay is the length of time taken to obtain official final analytical results from the laboratory in Hawaii. The plant personnel will be more aggressive in the future in this area.
2. The daily disposal logs and analyses of receiving water monitoring were mailed out to US EPA according to our plant personnel. I have asked Helen to re-submit them to you in case these data had been lost in the mail.
3. With respect to the manual plotting of the disposal area, our plant personnel checked with the new Captain of the Tasman Sea and was told that the printer had indeed broken down in May. The problem was fixed in June/July. The new Captain came onboard on July 15th and was learning the use of the computerized plotting equipment. He reported that for the period between mid-May and July 27th, only manual plots were available. He has since, however, mastered the equipment and all future plots from July 28th onwards should be computerized.

It seems to me that most of these problems could have been avoided through better internal communication within our plant and with the Tasman Sea captain. Our plant has also experienced several personnel changes in the past few months. These are not excuses but rather reasons for the problems.

I appreciate your bringing these problems to my attention and have so indicated to our plant personnel. They have reassured me that they will be more vigilant in this area and that these problems will not recur.

Should you have any questions, please feel free to contact me directly at (606) 655-5842.

cc: Barry Mills - StarKist Samoa
Cliff Johnson - StarKist Samoa
Togipa Tausaga - ASEPA
Sheila Wiegman - ASEPA

c:\samoa\young.doc

**MARINE PROTECTION, RESEARCH AND SANCTUARIES ACT § 102
OCEAN DUMPING PERMIT**

PERMIT NUMBER AND TYPE: OD 93-02 Special

EFFECTIVE DATE: September 1, 1993

EXPIRATION DATE: August 31, 1996

PERMITTEE: VCS Samoa Packing Company, Inc.
P.O. Box 957
Pago Pago, American Samoa 96799

WASTE GENERATOR: VCS Samoa Packing Company, Inc.
P.O. Box 957
Pago Pago, American Samoa 96799

WASTE GENERATED AT: VCS Samoa Packing Company, Inc.
P.O. Box 957
Pago Pago, American Samoa 96799

PORT OF DEPARTURE: Pago Pago Harbor, American Samoa

WASTE TRANSPORTER: FV TASMAN SEA
Blue North Fisheries, Inc.
1130 N.W. 45th Street
Seattle, Washington 98107-4626

A special ocean dumping permit is being issued to VCS Samoa Packing, Inc. because the Regional Administrator of EPA Region IX has determined that disposal of fish processing wastes off American Samoa meets EPA's ocean dumping criteria at 40 C.F.R. Parts 227 and 228. For this permit, the term "fish processing wastes" shall refer to Dissolved Air Flotation (DAF) Sludge, Precooker Water and Press Water generated at the permittee's plant in Pago Pago, American Samoa; or any combination of the three waste streams pumped from VCS Samoa Packing's onshore holding tanks into the ocean disposal vessel for transportation to the ocean disposal site.

This special permit authorizes the transportation and dumping into ocean waters of fish processing wastes as described in the special conditions section pursuant to the Marine Protection, Research, and Sanctuaries Act (MPRSA) of 1972 (33 U.S.C. § 1401 *et seq.*) as amended (hereinafter referred to as "the Act"); regulations issued thereunder; and the terms and conditions stated below.

This MPRSA Special Permit does not contain any information collection requirements subject to Office of Management and Budget review under the Paper Work Reduction Act of 1980 (44 U.S.C. § 3501 *et seq.*). This determination has been made because the permit does not require data collection by more than 10 persons.

1. GENERAL CONDITIONS

- 1.1. Operation under this special ocean dumping permit shall conform to all applicable federal statutes and regulations including, but not limited to, the Act, the Marine Plastic Pollution Research and Control Act of 1987 (P.L. 100-220), the Clean Water Act (33 U.S.C. § 1251 *et seq.*), and the Ports and Waterways Safety Act (33 U.S.C. § 1221 *et seq.*).
- 1.2. All transportation and dumping authorized herein shall be undertaken in a manner consistent with the terms and conditions of this permit. VCS Samoa Packing, Inc. (hereafter referred to as "the permittee") shall be liable for compliance with all such terms and conditions. The permittee shall be held liable under § 105 of the Act (33 U.S.C. § 1415) if any permit violations occur. During disposal operations when the permittee's fish processing wastes are loaded aboard the disposal vessel in holding tanks, either separately or combined with similar fish processing wastes from other permittees authorized to use the ocean disposal site defined in Special Condition 2.2, the permittees shall be held individually liable under § 105 of the Act (33 U.S.C. § 1415) if a permit violation occurs. If a permit violation occurs during the transportation and disposal of fish processing wastes, the waste transporter may also be liable for permit violations.
- 1.3. Under § 105 of the Act, any person who violates any provision of the Act, 40 C.F.R. Parts 220 through 228 promulgated thereunder, or any term or condition of this permit shall be liable for a civil penalty of not more than \$50,000 per day for each violation. Additionally, any knowing violation of the Act, 40 C.F.R. Parts 220 through 228, or the permit may result in a criminal action being brought with penalties of not more than \$50,000 or one year in prison, or both. Violations of the Act or the terms and conditions of this permit include but are not limited to:
 - 1.3.1. Transportation to, and dumping at any location other than that defined in Special Condition 2.2 of this permit;
 - 1.3.2. Transportation and dumping of any material not identified in this permit, more frequently than authorized in this permit, or more than the quantities identified in this permit, unless specifically authorized by a written modification hereto;
 - 1.3.3. Failure to conduct permit monitoring as required in Special Conditions 3.1, 3.3.1, 4.7 and 5.1; or
 - 1.3.4. Failure to file reports on fish processing wastes and disposal site monitoring reports as required in the Special Conditions.

- 1.4. Nothing contained herein shall be deemed to authorize, in any way, the transportation from the United States for the purpose of dumping into the ocean waters, the territorial sea, or the contiguous zone, the following materials:
- 1.4.1. High-level radioactive wastes;
 - 1.4.2. Materials, in whatever form, produced for radiological, chemical, or biological warfare;
 - 1.4.3. Persistent synthetic or natural materials which may float or remain in suspension in the ocean; or
 - 1.4.4. Medical wastes as defined in § 3(k) of the Act.
 - 1.4.5. Flotables, garbage, domestic trash, waste chemicals, solid waste, or any materials prohibited by the Act or the Marine Plastic Pollution Research and Control Act.
- 1.5. Nothing contained herein shall be deemed to authorize, in any way, violation of applicable American Samoa Water Quality Standards. The following water quality standards apply:

Table 1. 1989 American Samoa Water Quality Standards: Oceanic Waters [§24.0207(g)(1-7)].

Parameter	Median Not to Exceed the Given Value
Turbidity	0.20 NTU
Total Phosphorus	11.0 µg-P/L
Total Nitrogen	115.0 µg-N/L
Chlorophyll <i>a</i>	0.18 µg/L
Light Penetration Depth	150 feet, to exceed the given value 50% of the time.
Dissolved Oxygen	Not less than 80% of saturation or less than 5.5 mg/L. If the natural level of dissolved oxygen is less than 5.5 mg/L, then the natural dissolved oxygen level shall become the standard.
pH	The pH range shall be 6.5 to 8.6 pH units and within 0.2 pH units of the level which occurs naturally.

- 1.6. After notice and opportunity for a hearing, this permit may be revised, revoked or limited, in whole or in part, subject only to the provisions of 40 C.F.R. §§ 222.3(b) through 222.3(h) and 40 C.F.R. § 223.2, as a result of a determination by the Regional Administrator of EPA that:
 - 1.6.1. The cumulative impact of the permittee's dumping activities or the aggregate impact of all dumping activities in the dump site designated in Special Condition 2.2 should be categorized as Impact Category I, as defined in 40 C.F.R. § 228.10(c)(1);
 - 1.6.2. There has been a change in circumstances regarding the management of the disposal site designated in Special Condition 2.2;
 - 1.6.3. The dumping authorized by the permit would violate applicable American Samoa Water Quality Standards;
 - 1.6.4. The dumping authorized can no longer be carried out consistent with the criteria defined at 40 C.F.R. Parts 227 and 228;
 - 1.6.5. The permittee violated any term or condition of the permit;
 - 1.6.6. The permittee misrepresented, or did not disclose all relevant facts in the permit application accurately; or
 - 1.6.7. The permittee did not keep records, engage in monitoring and reporting activities, or to notify appropriate officials in a timely manner of the transportation and dumping activities as specified in any condition of this permit.
- 1.7. The permittee shall ensure always that facilities, including any vessels associated with the permit, are in good working order to achieve compliance with the terms and conditions of this permit. During all loading operations, there shall not be a loss of fish processing wastes to any waterway. During transport to the disposal site, there shall not be a loss of fish processing wastes to Pago Pago Harbor or the ocean.
- 1.8. Any change in the designated fish processing waste transporter may be made at the discretion of the Regional Administrator or his delegate. A written request for such a transfer shall be made by the permittee at least thirty (30) days before the requested transfer date. Written approval by the EPA Regional Administrator must be obtained before such a transfer occurs.
- 1.9. The permittee shall allow the EPA Regional Administrator, the Commander of the Fourteenth U.S. Coast Guard District (USCG), the Director of the American Samoa Environmental Protection Agency (ASEPA), and/or their authorized representatives to:

- 1.9.1. Enter into, upon, or through the permittee's premises, vessels, or other premises or vessels under the control of the permittee, where, or in which, a source of material to be dumped is located or in which any records are required to be kept under the terms and conditions of this permit or the Act;
- 1.9.2. Have access to and copy any records required to be kept under the terms and conditions of this permit or the Act;
- 1.9.3. Inspect any dumping equipment, navigational system equipment, monitoring equipment or monitoring methods required in this permit;
- 1.9.4. Sample or require that a sample be drawn, under EPA, USCG, or ASEPA supervision, of any materials discharged or to be discharged; or
- 1.9.5. Inspect laboratory facilities, data, and quality control records required for compliance with any condition of this permit.
- 1.10. Material which is regulated by this permit may be disposed of, due to an emergency, to safeguard life at sea in locations or in a manner that does not comply with the terms of this permit. If this occurs, the permittee shall make a full report, according to the provisions of 18 U.S.C. § 1001, within 15 days to the EPA Regional Administrator, the USCG and the ASEPA describing the conditions of this emergency and the actions taken, including the location, the nature and the amount of material disposed.
- 1.11. The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of rights, nor any infringement of Federal, State or local laws or regulations, nor does it obviate the necessity of obtaining State or local assent required by applicable law for the activity authorized.
- 1.12. This permit does not authorize or approve the construction of any onshore or offshore physical structures or facilities, or, except as authorized by this permit, the conduct of any work in any navigable waters.
- 1.13. Unless otherwise provided for herein, all terms used in this permit shall have the meanings assigned to them by the Act or 40 C.F.R. Parts 220 through 228, issued thereunder.

2. SPECIAL CONDITIONS - DISPOSAL SITE AND FISH PROCESSING WASTE CHARACTERIZATION

Special conditions are necessary to define the length of the permit period, identify the disposal site location, describe fish processing waste streams and define maximum permitted limits for DAF Sludge, Precooker Water and Press Water.

2.1. Location of the Waste Generator and Duration of the Permit

2.1.1. The material to be dumped shall consist of fish processing wastes, defined in Special Conditions 2.3 and 2.4, generated at the permittee's fish cannery in Pago Pago, American Samoa.

2.1.2. This permit shall become effective on September 1, 1993 and it shall expire three years from the effective date at midnight on August 31, 1996.

2.2. Location of Disposal Site

Disposal of fish processing wastes generated at the location defined in Special Condition 2.1.1 shall be confined to a circular area with a 1.5 nautical mile radius, centered at 14° 24.00' South latitude by 170° 38.30' West longitude.

2.3. Description of Fish Processing Wastes

2.3.1. During the term of this permit, and according to all other terms and conditions of this permit, the permittee is authorized to transport and dispose a maximum of 200,000 gallons per day of fish processing wastes pumped from a storage tank on the permittee's premises. The fish processing wastes pumped from the permittee's storage tank are authorized for disposal at the designated ocean disposal site. Fish processing wastes pumped into the permittee's onshore storage tanks shall not exceed the following amounts:

Table 2. Volumes of Fish Processing Wastes Generated Each Day by VCS Samoa Packing and Pumped into a Storage Tank before Loading into the Ocean Disposal Vessel.

Fish Processing Waste	Maximum Volume Generated (gallons/day)
Dissolved Air Flotation (DAF) Sludge	60,000
Precooker Water	100,000
Press Water	40,000
Maximum Daily Volume Generated and Pumped into a Storage Tank before Loading into the Disposal Vessel	200,000

2.4. Fish Processing Waste Stream Limits

Table 3. Limits for DAF Sludge, Precooker Water and Press Water.

Physical or Chemical Parameter (units) ^a	DAF Sludge	Precooker Water	Press Water
Total Solids (mg/L)	461,790	115,180	381,510
Total Volatile Solids (mg/L)	455,560	84,450	409,310
5-Day BOD (mg/L)	349,350	64,650	365,550
Oil and Grease (mg/L)	395,700	11,180	165,860
Total Phosphorus (mg/L)	3,790	1,850	2,950
Total Nitrogen (mg/L)	21,820	12,830	35,100
Ammonia (mg/L)	3,470	410	830
pH (pH units)	4.8 to 7.0	5.5 to 7.0	5.5 to 7.0
Density (g/mL)	0.86 to 1.05	0.95 to 1.06	0.96 to 1.06

a = All calculated values were rounded to the nearest 10, except density and pH ranges.

2.4.2. Permitted Maximum Concentrations for each type of fish processing waste stream were calculated based on an analysis of historical data from the permittee's previous Special Ocean Dumping Permit, number OD 90-01. The calculations followed EPA's recommended procedure for determining permit limits as defined in the EPA document titled: "Guidance Document for Ocean Dumping Permit Writers" (January 30, 1988). EPA Region IX will periodically review these limits during the permit to evaluate the accuracy of the limits. If revisions are necessary, EPA Region IX will make changes according to the authority defined in the Ocean Dumping Regulations at 40 C.F.R §§ 223.2 through 223.5.

2.4.3. The Permitted Maximum Concentrations, density range and pH range listed above, shall not be exceeded at any time during the term of this permit.

3. SPECIAL CONDITIONS - ANALYSIS OF FISH PROCESSING WASTES

Compliance with the permitted maximum concentrations defined in Special Condition 2.4 shall be determined by monthly monitoring of **each of the fish processing waste streams**. Additional analyses of fish processing wastes and reporting requirements are defined in this section. Any fish processing waste stream sampling dates shall be scheduled

within the first two weeks of the month to allow enough time for laboratory analyses and report writing to comply with Special Condition 3.3.

3.1. Analyses of Fish Processing Wastes

- 3.1.1. Concentrations or values of the parameters listed in Special Condition 2.4 and those listed in the table below shall be determined for each fish processing waste stream. A sample of each fish processing waste stream shall be taken before the individual streams are mixed and pumped into an onshore storage tank. A sample shall consist of three replicate grab samples, taken on the day that sampling is scheduled, pooled for use as a composite sample. The detection limits specified in Table 4 shall be used in all fish processing waste stream analyses.

Table 4. Physical and Chemical Parameters to be Analyzed from Individual Samples of DAF Sludge, Precooker Water and Press Water.

Parameter	Method Detection Limit
Total Solids	10.0 mg/L
Total Volatile Solids	10.0 mg/L
5-Day BOD	10.0 mg/L
Oil and Grease	10.0 mg/L
Total Phosphorus	1.0 mg/L
Total Nitrogen	1.0 mg/L
Ammonia	1.0 mg/L
pH	0.1 pH units
Density	0.01 g/mL

- 3.1.2. In addition to the fish processing waste stream samples taken under Special Condition 3.1.1, the permittee shall analyze samples taken from its onshore fish processing waste storage tank during the transfer of these wastes to the disposal vessel's holding tanks.

- 3.1.2.1. Three samples shall be taken from the onshore storage tank transfer line at 10 minute intervals. These samples shall be composited to produce one sample for analysis. The permittee's samples shall not be combined with fish processing waste from any other permittee.

- 3.1.2.2. Samples described in Special Condition 3.1.2.1 shall be taken for 12 months. Samples shall be collected on the same day that samples are taken for analysis under Special Condition 3.1.1 and another sample shall be taken one week later.
 - 3.1.2.3. The same parameters and detection limits listed in Table 4 shall be analyzed and used for the onshore storage tank composite samples. This sampling and analysis program will provide 2 samples per month for 12 months yielding 24 samples.
 - 3.1.2.4. The permittee shall send a copy of the analytical data for the onshore storage tank samples to EPA Region IX every 3 months during the 12-month sampling period. EPA Region IX will use these results to calculate limits for the onshore storage tank fish processing wastes. When the onshore storage tank limits are calculated, EPA Region IX will evaluate whether to amend this permit using the new limits.
- 3.1.3. All sampling procedures, analytical protocols, and quality control/quality assurance procedures shall be performed according to guidelines specified by EPA Region IX. The following references shall be used by the permittee:
- 3.1.3.1. 40 C.F.R. Part 136, EPA Guidelines Establishing Test Procedures for the Analysis of Pollutants Under the Clean Water Act;
 - 3.1.3.2. Tetra Tech, Incorporated. 1985. Summary of U.S. EPA-approved Methods, Standard Methods and Other Guidance for 301(h) Monitoring Variables. Final program document prepared for the Marine Operations Division, Office of Marine and Estuarine Protection, U.S. Environmental Protection Agency. EPA Contract No. 68-01-693. Tetra Tech, Incorporated, Bellevue, Wa.; and
 - 3.1.3.3. Environmental Protection Agency. 1987. Quality Assurance and Quality Control for 301(h) Monitoring Programs: Guidance on Field and Laboratory Methods. Office of Marine and Estuarine Protection, Washington, D.C. EPA 430/9-86-004.

3.2. Analytical Laboratory

- 3.2.1. Within 30 days of the effective date of this permit, the name and address of the contract laboratory or laboratories and a description of all analytical test procedures and quality assurance/quality control procedures, including detection limits being used, shall be provided for EPA Region IX approval.

- 3.2.2. Any potential variation or change in the designated laboratory or analytical procedures shall be reported, in writing, for EPA Region IX approval.
- 3.2.3. EPA Region IX may require analyses of quality control samples by any laboratories employed to comply with Special Condition 3.1 and Appendix A. Upon request, the permittee shall provide EPA Region IX with the analytical results from such samples.
- 3.2.4. A complete analysis of parameters, required in Special Condition 3.1, shall be made by the permittee and reported to EPA Region IX and the ASEPA whenever there is a significant change in the quality of a fish processing waste stream as determined by EPA Region IX or the ASEPA. If necessary, bioassays may be required in addition to parameter analyses.

3.3. Reporting

- 3.3.1. The permittee shall provide EPA Region IX, ASEPA, the National Marine Fisheries Service (NMFS), the U.S. Fish and Wildlife Service (USFWS) and the Western Pacific Regional Fishery Management Council (WPRFMC) with a report, prepared every 3 months during the permit period, that contains the following information:
 - 3.3.1.1. Daily volumes of DAF Sludge, Precooker Water and Press Water generated at the permittee's facility and pumped into the permittee's onshore storage tanks. These volumes shall be reported in gallons per day using Form 1 (see Appendix B);
 - 3.3.1.2. Daily volumes of fish processing wastes disposed at the ocean disposal site. These volumes shall be reported in gallons per day using Form 1 (see Appendix B);
 - 3.3.1.3. Monthly fish processing waste stream analyses demonstrating that the fish processing wastes being dumped comply with the permitted limits of parameters listed in Special Condition 2.4 and a summary of the volumes of fish processing wastes disposed at the ocean site using Form 2 (see Appendix B);
 - 3.3.1.4. The monthly amount of alum (aluminum sulfate) and coagulant polymer added to the fish processing waste streams reported in pounds per month (see Forms 1 and 2).
- 3.3.2. Such reports, including a comparison with the permit limits as required on Forms 1 and 2, shall be submitted to EPA Region IX, ASEPA, NMFS USFWS and WPRFMC within 45 days of the end of the preceding 3-month period for which they were prepared. The reports shall be submitted within this time unless extenuating circumstances are communicated to EPA Region IX and the ASEPA in writing. In addition to a hard copy of Forms 1 and 2, the data

contained on Form 1 shall be submitted to EPA Region IX on a 3.5" computer diskette in a format compatible with LOTUS version 2.2.

- 3.3.3. A summary report of all 3-month reports listed in Special Condition 3.3.1, including a comparisons with permit limits and a detailed discussion of the summary results, shall be submitted by the permittee to EPA and the ASEPA 45 days after the permit expires. All fish processing waste stream data shall be reported in the same format as required in Special Condition 3.3.2.
- 3.3.4. Upon detection of a violation of any permit condition, the permittee shall send a written notification of this violation to EPA Region IX and the ASEPA within five working days and a detailed written report of the violation shall be sent to the agencies within 15 working days. This notification shall pertain to any permit limits (defined in Special Condition 2.4) that are exceeded, violation of volume limits (defined in Table 2 under Special Condition 2.3.1), and any disposal operation that occurs outside the disposal site defined in Special Condition 2.2.
- 3.3.5. Eighteen months from the effective date of this special permit, the permittee shall submit a report to EPA and ASEPA on the results of suspended phase bioassay tests and reevaluation of the model used to predict the concentrations of fish processing wastes disposed at the designated site. The suspended phase bioassays shall be conducted using at least one species from each of the following three groups: Group 1 = *Mytilus* sp. (mussel), *Crassostrea* sp. (oyster), *Acartia tonsa* (copepod), or *Trypneustes* sp. (sea urchin) larvae; Group 2 = *Holmesimysis costata* (mysid shrimp) or *Penaeus vannamei* (white shrimp); and Group 3 = *Citharichthys stigmaeus* (speckled sanddab) or *Coryphaena hippurus* (dolphinfish) juveniles.

Appropriate suspended phase bioassay protocols, either protocols approved by EPA or protocols published by the American Society for Testing and Materials (ASTM), shall be followed. Suspended particulate phase bioassays shall be run using the following fish processing waste concentrations: 100%, 75%, 50%, 25%, 10%, 5%, and a control (0%). A minimum of five replicates are required per dilution concentration. Concurrent reference toxicant tests shall be conducted when the suspended phase bioassays are run.

A sampling and testing plan shall be submitted to EPA Region IX and ASEPA by October 1, 1993 for approval before the bioassay tests are conducted. Samples for the suspended particulate phase bioassays shall be composited from the permittee's onshore storage tanks. Three samples shall be taken from the onshore storage tank transfer line at 10 minute intervals. These samples shall be composited to produce one sample for analysis. The permittee's samples shall not be combined with fish processing waste from any other permittee. The permittee shall take samples on the following dates: November 30, 1993, February 28, 1994 and May 31, 1994. Samples shall be collected and shipped to the testing laboratory according to EPA-approved methods to

ensure that the samples do not change before the bioassay tests begin. All suspended particulate phase bioassays shall be started within 10 days of sampling.

The testing plan submitted by October 1, 1993 should also include a proposal to reevaluate the disposal site model using results obtained from the new series of suspended phase bioassays. These bioassays are being required to confirm the toxicity of the fish processing wastes and to reevaluate the disposal operations based on the use of a different disposal vessel.

The bioassay and computer model confirmation report shall contain the following information:

3.3.5.1. INTRODUCTION AND PROJECT DESCRIPTION

The project description should include the following information about fish processing waste toxicity, previous bioassay test results, previous modelling at the ocean disposal site, and the design of the new bioassay tests.

3.3.5.2. MATERIALS AND METHODS

Fish processing waste sampling and sample handling procedures should be described or referenced.

References for laboratory protocols for suspended phase bioassay tests.

- 1) EPA-approved methods and references.
- 2) Test species used in each test, the supplier or collection site for each test species, and QA/QC procedures for maintaining the test species.
- 3) Source of seawater used in reference, control and bioassay tests.
- 4) Data and statistical analysis procedures.
- 5) Limiting Permissible Concentration (LPC) calculations.
- 6) Description of model selected to evaluate dispersal of fish processing wastes at the ocean disposal site. Use of this model shall be approved by EPA Region IX and ASEPA before it is used by the permittee to evaluate the fish processing waste disposal plume.

3.3.5.3. DESCRIPTION OF SAMPLING PROCEDURES

QA/QC procedures and actual sampling procedures used during fish processing waste stream sampling and handling of the samples.

3.3.5.4. FINAL RESULTS, ANALYSIS OF DATA AND DISCUSSION

- 1) Complete bioassay data tables and summary bioassay tables shall be furnished in the report. All data tables should be typed or produced as a computer printout.
- 2) The permittee shall analyze the bioassay data and calculate the LPC of the material as defined at 40 C.F.R. § 227.27(a-b).
- 3) The permittee shall use the LPC in the approved plume model to determine the concentration of fish processing wastes disposed at the designated ocean disposal site which complies with EPA's Ocean Dumping Criteria defined at 40 C.F.R. Parts 227 and 228.

3.3.5.5. REFERENCES

This list should include all references used in the field sampling program, laboratory protocols, LPC calculations, modelling analyses, and historical data used to evaluate the fish processing waste disposal operations at the designated ocean disposal site.

3.3.5.6. DETAILED QA/QC PLANS AND INFORMATION

The following topics should be addressed in the QA Plan:

- 1) QA objectives.
- 2) Organization, responsibilities and personnel qualifications, internal quality control checks.
- 3) Sampling and analytical procedures.
- 4) Equipment calibration and maintenance.
- 5) Sample custody and tracking.
- 6) documentation, data reduction, and reporting.
- 7) Data validation.
- 8) Performance and systems audits.
- 9) Corrective action.
- 10) Reports.

4. SPECIAL CONDITIONS - VESSEL OPERATIONS

Specifications for vessel operations are defined to limit dumping activities to the dump site identified in Special Condition 2.2 and to record all dumping activities. The permittee's fish processing wastes and fish processing wastes of other authorized permittees may be loaded into the disposal vessel together or separately.

4.1. Posting of the Permit

This permit, or a true copy thereof, shall be placed in a conspicuous place on any vessel which is used for the transportation and dumping authorized by this permit.

4.2. Vessel Identification

Every vessel engaged in the transportation of fish processing wastes for ocean disposal shall have its name and number painted in letters and numbers at least fourteen (14) inches high on both sides of the vessel. The name and number shall be kept distinctly legible always, and a vessel without such markings shall not be used to transport or dump fish processing wastes.

4.3. Determination of the Disposal Location Within the Dump Site

On each disposal trip, the master of the disposal vessel shall determine the location of the disposal operation as follows:

- 4.3.1. The disposal vessel, as defined under WASTE TRANSPORTER on page 1 of this permit, shall proceed directly to the center of the disposal site at the location specified in Special Condition 2.2.
- 4.3.2. The master of the vessel shall observe the conditions at the dump site center, noting the vessel's position (latitude and longitude), wind direction and observed surface current direction.
- 4.3.3. After the conditions defined in Special Condition 4.3.2 have been recorded, the master of the disposal vessel shall proceed 1.1 nautical miles up current from the center of the disposal site and record the position of the disposal vessel (latitude and longitude). This position shall be the starting point for disposal operations for each disposal trip.
- 4.3.4. The master of the disposal vessel shall prepare a hard copy (on 8.5 inch by 11 inch paper) of the computerized navigational plot documenting compliance with the procedures defined in Special Conditions 4.3.1 through 4.3.4. The hard copy of the computerized navigational plot for each disposal trip shall be supplied to the permittee. The permittee shall submit these hard copies of the computerized navigational plots with the 3-month reports required under Special Condition 3.3.1. The hard copies of the navigational plots shall include:

- 4.3.4.1. The disposal vessel's course during the entire dumping operation; and
- 4.3.4.2. The times and location of entry and exit from the disposal site, position and time of arrival at the center of the disposal site, position and time of arrival at the location 1.1 nautical miles up current from the disposal site, beginning and ending of dumping operations, and disposal vessel position plotted every 15 minutes while dumping operations occur.
- 4.3.5. The master of the disposal vessel shall sign and date each hard copy of the computerized navigational plots certifying that the hard copies are an accurate record of the disposal vessel's track for each disposal trip.
- 4.3.6. The master of the disposal vessel shall certify that disposal operations occurred in the manner required by the permit.
- 4.3.7. The procedures listed in Special Conditions 4.3.1 through 4.3.6 shall be repeated for each disposal trip.

4.4. Disposal Rate and Vessel Speed

- 4.4.1. The disposal vessel/barge shall discharge the material authorized by this permit beginning at the disposal location as determined by Special Condition 4.3.3. The vessel track shall be in a direction that is perpendicular to the current detected at the center of the disposal site as defined in Special Condition 2.2. Disposal shall occur in a oval shape along an axis at least 0.5 nautical miles on either side of the starting point determined in Special Condition 4.3.3. The entire disposal vessel track shall be within the disposal site boundaries.
 - 4.4.1.1. From June 1 through November 30, fish processing wastes shall be pumped from the disposal vessel into the ocean at a rate of 140 gallons per minute per knot, not to exceed 1,400 gallons per minute at a maximum speed of 10 knots.
 - 4.4.1.2. From December 1 through May 31, fish processing wastes shall be pumped from the disposal vessel into the ocean at a rate of 120 gallons per minute per knot, not to exceed 1,200 gallons per minute at a maximum speed of 10 knots.

4.5. Computerized Navigational System

The permittee shall use an onboard computerized electronic positioning system to fix the position of the disposal vessel accurately during all dumping operations. The computerized navigational system and the method to produce a 8.5 inch by 11 inch hard copy of each disposal trip must be approved by EPA Region IX and the USCG Liaison Office (CGLO) Pago Pago. The permittee shall submit the description, specifications and example

hard copy plots for the computerized navigational system at least 15 working days before the effective date of the permit. Disposal operations shall not begin until EPA Region IX and CGLO Pago Pago provide the permittee with written approval for the computerized navigation system and the hard copy plots.

4.6. Permitted Times for Disposal Operations

Dumping operations shall be restricted to daylight hours, unless an emergency exists as defined at 40 C.F.R. § 220.1(c)(4). ASEPA and CGLO Pago Pago shall be notified immediately if an emergency exists and ocean disposal is required to protect human life at sea. No later than 5 working days after the emergency, the permittee and the waste transporter shall provide EPA Region IX, ASEPA and CGLO Pago Pago with a detailed written report on the emergency situation.

4.7. Reporting of the Ocean Dumping Vessel Operations

4.7.1. The waste transporter shall maintain and the permittee shall submit copies of a daily transportation and dumping log, including hard copy plots of all information required in Special Conditions 4.3 and 4.7.2. Copies of the daily logs shall be sent to EPA Region IX, CGLO Pago Pago, and the ASEPA as part of the 3-month report.

4.7.2. The logbook shall contain the following information for each disposal trip:

- 4.7.2.1. Permit number, date and consecutive trip number;
- 4.7.2.2. Record of contact with ASEPA and CGLO before each trip to the ocean disposal site.
- 4.7.2.3. The time when loading of the vessel commences and ceases in Pago Pago Harbor;
- 4.7.2.4. The volume of fish processing waste loaded into the disposal vessel from each fish cannery;
- 4.7.2.5. The time and navigational position that dumping commences and ceases;
- 4.7.2.6. A record of vessel speed and direction every 15 minutes during each dumping operation at the disposal site, and a hard copy of the vessel's course defined in Special Condition 4.3;
- 4.7.2.7. Discharge rate from the disposal vessel.
- 4.7.2.8. Observe, note and plot the time and position of any floatable material;

- 4.7.2.9. Observe, note and plot the wind speed and direction every 30 minutes while dumping fish processing wastes at the designated disposal site;
- 4.7.2.10. Observe and note current direction at the beginning and end of the disposal trip, and the direction of the disposal plume at the end of the disposal operation;
- 4.7.2.11. Observe, note and plot the presence of the previous disposal plume and any unusual occurrences during the disposal trip, or any other information relevant to the assessment of environmental impacts as a result of dumping activities; and
- 4.7.2.12. Any unusual occurrences noted under Special Condition 4.7.2.9 shall be highlighted in the report defined in Special Condition 3.3.1.

5. SPECIAL CONDITIONS - DUMP SITE MONITORING

The monitoring program for disposal of fish processing wastes in the ocean must document effects of disposed wastes on the receiving waters, biota, and beneficial uses of the receiving waters; compliance with EPA's Ocean Dumping Regulations; and determine compliance with permit terms and conditions. Revisions to the monitoring program may be made under the direction of EPA Region IX at any time during the permit term, in compliance with 40 C.F.R. §§ 223.2 and 223.3. This may include a change in the number of parameters to be monitored, the frequency of monitoring, the location of sample stations, or the number and size of samples to be collected.

Implementation of the disposal site monitoring program and all segments of the monitoring program specified in Special Condition 5 and Appendix A shall be the responsibility of the permittee.

5.1. Monitoring Program

The permittee shall conduct the monitoring program, defined in Appendix A, to determine the environmental impacts of ocean dumping of fish processing waste. If possible, monitoring cruises shall be scheduled within the first two weeks of each month to allow enough time for laboratory analysis and report writing in compliance with Special Condition 5.2. The permittee shall notify the ASEPA at least 48 hours before any scheduled monitoring activities.

5.2. Monitoring Reports

Monthly site monitoring reports shall be submitted to EPA Region IX, the ASEPA, NMFS, USFWS and WPRFMC with the 3-month reports as specified in Special Condition 3.3.2. The reports shall include: neatly compiled raw data for all sample analyses, quality assurance/quality control data, statistical analysis of sample variability

between stations and within samples for each parameter, and a detailed discussion of the results.

5.3. Final Summary Report

5.3.1. A report shall be submitted to EPA Region IX, ASEPA, NMFS, USFWS and WPRFMC 60 days after the permit expires. This report shall summarize all of the data collected to characterize fish processing wastes and the results of the dump site monitoring program specified in this special permit.

5.3.2. At a minimum, the summary report shall contain the following sections:

5.3.2.1. Introduction (including a summary of previous ocean disposal activities),

5.3.2.2. Location of Sampling Sites,

5.3.2.3. Materials and Methods,

5.3.2.4. Results and Discussion (including comparisons and contrasts with previous MPRSA § 102 research and special permit data related to disposal of fish processing wastes off American Samoa),

5.3.2.5. Conclusions; and

5.3.2.6. References.

5.4. Quality Assurance/Quality Control

5.4.1. All appropriate phases of the monitoring, sampling, and laboratory analytical procedures shall comply with the EPA Region IX-specified protocols and references listed in Special Condition 3.1.2.

5.4.2. The qualifications of the on-site Principal Investigator in charge of the field monitoring operation at the dump site shall be submitted to EPA Region IX and the ASEPA for approval before the initial monitoring cruise. Notification of any change in this individual shall be submitted to EPA Region IX and ASEPA at least 7 days before the cruise is scheduled.

6. SPECIAL CONDITIONS - NOTICE TO REGULATORY AGENCIES

6.1. Notice of Sailing to the U.S. Coast Guard Liaison Office and the American Samoa Environmental Protection Agency

6.1.1. The waste transporter shall provide telephone notification of sailing to CGLO Pago Pago at 633-2299 and the ASEPA at 633-2304 during working hours

(7:00 a.m. to 3:30 p.m.) no later than 24 hours before the estimated time of departure for the dump site defined in Special Condition 2.2. A record of contact with both agencies shall be reported with other information for each disposal trip.

- 6.1.2. The waste transporter shall immediately notify CGLO Pago Pago and the ASEPA upon any changes in the estimated time of departure greater than two hours.
- 6.1.3. Surveillance of activities at the dump site designated in Special Condition 2.2, may be accomplished by unannounced aerial overflights, a USCG shiprider and/or a ASEPA shiprider who will be on board the towing/conveyance vessel for the entire voyage. Within two hours after receipt of the initial notification the waste transporter will be advised whether or not a shiprider will be assigned to the waste transporter's disposal vessel.
- 6.1.4. The following information shall be provided to CGLO Pago Pago and the ASEPA in the notification of sailing defined above:
 - 6.1.4.1. The time of departure,
 - 6.1.4.2. Estimated time of arrival at the dump site,
 - 6.1.4.3. Estimated time of departure from the dump site, and
 - 6.1.4.4. Estimated time of return to port.

6.2. Reports and Correspondence

- 6.2.1. Two copies of all reports and related correspondence required by General Condition 1.10, Special Conditions 3.2, 3.3, 4.3, 4.5, 4.6, 4.7, 5.2, 5.3, 6.1, and all other materials, including applications shall be submitted to EPA Region IX at the following address:

Office of Pacific Island and Native American Programs (E-4)
U.S. Environmental Protection Agency, Region IX
75 Hawthorne Street
San Francisco, California 94105-3901
Telephone (415) 744-1594

- 6.2.2. Two copies of all reports required by General Condition 1.10 and Special Conditions 4.5, 4.6, 4.7 and 6.1 sent to the U.S. Coast Guard shall be submitted to the following address:

Commanding Officer
U.S. Coast Guard Liaison Office
P.O. Box 249
Pago Pago, American Samoa 96799
Telephone (684) 633-2299

- 6.2.3. Three copies of all reports required by General Condition 1.10 and Special Conditions 3.2, 3.3, 4.3, 4.5, 4.6, 4.7, 5.2, 5.3, and 6.1 sent to the American Samoa Environmental Protection Agency shall be submitted to the following address:

Director
American Samoa Environmental Protection Agency
Office of the Governor
Pago Pago, American Samoa 96799
Telephone (684) 633-2304

- 6.2.4. One copy of the all reports required by Special Conditions 3.3, 5.2 and 5.3 shall be sent to the USFWS, the NMFS and the WPRFMC at the following addresses:

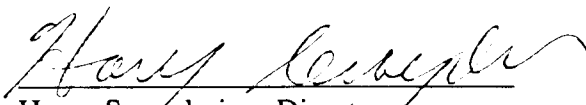
Project Leader
Office of Environmental Services
U.S. Fish and Wildlife Service
300 Ala Moana Boulevard
P.O. Box 50167
Honolulu, Hawaii 96850

Western Pacific Program Officer
National Marine Fisheries Service
2570 Dole Street
Honolulu, Hawaii 96822-2396

Executive Director
Western Pacific Regional Fishery Management Council
1164 Bishop Street, Suite 1405
Honolulu, Hawaii 96813

Signed this 23 day of August, 1993

For the Regional Administrator:


Harry Seraydarian, Director
Water Management Division
U.S. EPA, Region IX

APPENDIX A

SPECIAL OCEAN DUMPING PERMIT OD 93-02 OCEAN DUMP SITE MONITORING PLAN

7. MONITORING OF RECEIVING WATER

Monitoring of the receiving waters at the disposal site defined in Special Condition 2.2 shall be the responsibility of the permittee. Funding and cooperation for site monitoring may be accomplished through an agreement between permittee and other permittees authorized to use the disposal site. Any agreements negotiated between the permittee and other authorized permittees shall be the sole responsibility of the permittee named in this permit. EPA Region IX requires that a monitoring program be developed that complies with the special conditions defined below.

During each monitoring cruise, the disposal plume from the disposal vessel shall be sampled by taking discrete water samples for the measurement of parameters listed in Special Condition 7.2.4. Results of the first 3-month monitoring report will be evaluated by EPA Region IX to determine whether portions of Special Conditions 7 and/or 8 will be revised. The evaluation will be based on documented sampling results and recommendations by the permittee(s).

7.1. Location of Water Sampling Stations

7.1.1. On each sampling cruise, the latitude and longitude of all sampling stations shall be determined and plotted using an acceptable navigational system.

7.1.2. The Principal Investigator shall ensure that discrete water samples are taken at the locations marked in Figure 1.

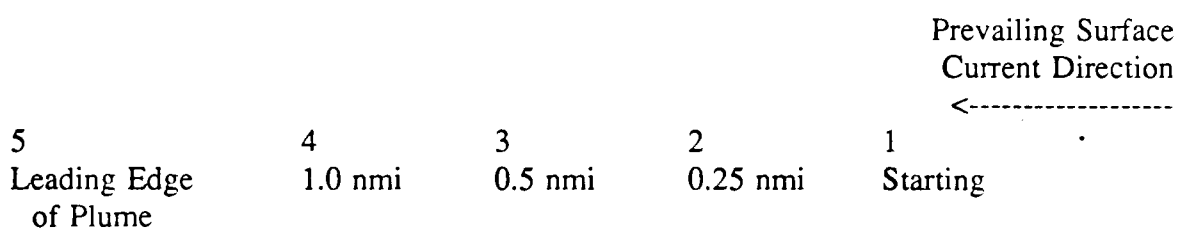


Figure 1. Orientation of Sample Stations (Top View) in the Middle of the Discharge Plume Visually Identified at the Time of Sampling.

7.1.3. The following stations, defined in Figure 1, shall be sampled on each sampling cruise:

7.1.4.1. Station 1 shall be the starting point of the dumping operation as determined in Special Condition 4.3.

- 7.1.4.2. Station 2 shall be 0.25 nautical miles (nmi) down-current from Station 1.
- 7.1.4.3. Station 3 shall be 0.5 nmi down-current from Station 1.
- 7.1.4.4. Station 4 shall be 1.0 nmi down-current from Station 1.
- 7.1.4.5. Station 5 shall be at the leading edge of the discharge plume, but within the plume.

7.1.4. The Principal Investigator shall ensure that each sampling station is positioned as close as possible to the middle of the discharge plume according to his/her best professional judgment.

7.2. Water Column Characteristics to Be Measured

- 7.2.1. Discrete water samples at Stations 1, 2, 3, 4, and 5 shall be taken at depths of 1, 3, and 10 meters from the surface at the middle of the plume visually identified by the Principal Investigator.
- 7.2.2. Surface water conditions shall be recorded at all stations including:
 - 7.2.2.1. Wind speed and direction;
 - 7.2.2.2. Current direction and wave height; and
 - 7.2.2.3. Observations of plume color (e.g., Forel-Ule color scale), odor, floating materials, grease, oil, scum, and foam.
- 7.2.3. Water samples shall be obtained using a self-closing 3-liter water sample device at each depth listed in 7.2.1.
- 7.2.4. Water column parameters analyzed from discrete samples taken at the depths listed in 7.2.1 shall include:

Table 4. Physical and Chemical Parameters to be Analyzed from Water Samples Taken at the Ocean Disposal Site.

Parameter ^a	Method Detection Limit
Total Suspended Solids	10.0 mg/L
Total Volatile Suspended Solids	10.0 mg/L
Oil and Grease	10.0 mg/L

Parameter ^a	Method Detection Limit
Total Phosphorus	1.0 mg/L
Total Nitrogen	1.0 mg/L
Ammonia	1.0 mg/L
pH	0.1 pH units

a = Samples should be acidified to pH <2 with sulfuric acid and refrigerated at 4°C until analysis.

- 7.2.5. Temperature measurements shall be taken at depths of 1, 3, and 10 meters at the starting point of the disposal operation, as defined in Special Condition 4.3.3.

7.3. Frequency of Sampling

- 7.3.1. Water samples shall be collected when dumping operations occur. Each station listed under Special Condition 7.1 shall be sampled once each month. These samples shall be used to characterize the receiving waters at the disposal site.
- 7.3.2. Control samples shall be taken at Station 1 before dumping activities.
- 7.3.3. Station 1 shall be sampled at a point within the plume immediately after discharge operations cease.
- 7.3.4. Stations 2 through 5 shall be sampled consecutively at distances indicated in Special Condition 7.1.4 to allow efficient sampling of the discharge plume. The time between each sample and the sampling location, beginning with the control sample and ending with the sample collected at the leading edge of the plume, shall be recorded.

7.4. Water Quality Criteria and Standards

- 7.4.1. The LPC of the liquid phase of the fish processing wastes shall not be exceeded at the disposal site boundary four hours after disposal operations cease. The LPC, as defined at 40 C.F.R. §227.27, shall not exceed applicable American Samoa Oceanic Water Quality Standards (see Table 1). EPA Region IX and the ASEPA will evaluate the LPC based on EPA's Ocean Dumping Regulations and the concentration of parameters measured at the stations sampled during the tenure of this permit.

8. MONITORING OF BIOLOGICAL COMMUNITIES

8.1. Pelagic Resources

8.1.1. All sightings of fish, sea turtles, sea birds, or cetaceans near the disposal site shall be recorded including:

8.1.1.1. Time, location and bearing;

8.1.1.2. Species name(s); and

8.1.1.3. Approximate number of individuals.

**Monthly Volumes of VCS Samoa Packing Fish Processing Wastes Generated Per Day
and Volumes of Fish Processing Wastes Disposed at the Ocean Site**

OD 93-02	DAF Sludge Generated (gallons/day)	Cooker Water Generated (gallons/day)	Press Water Generated (gallons/day)	Total Generated (gallons/day)
Permit Limits	60,000	100,000	40,000	200,000

[illegible]

Date	DAF Sludge Generated (gallons/day)		Precooker Water Generated (gallons/day)		Press Water Generated (gallons/day)		Total Generated (gallons/day)		Volume Ocean Disposed (gallons/day)	
Monthly Totals										

NOTE: An asterisk (*) to the right of the fish processing waste volume signifies that a violation of the permit limit has occurred. The number of violations are shown in the Monthly Totals row.

Monthly quantities of alum (aluminum sulfate) and coagulant polymer added to the fish processing waste streams:

Aluminum sulfate: _____ pounds/month

Coagulant polymer: _____ pounds/month

APPENDIX B - REPORT FORM 2

Data Form for 3-Month Report on Waste Stream Analyses for VCS Samoa Packing MPRSA § 102 Permit #OD 93-02

Reporting Period: From _____ 19__ To _____ 19__

VCS Samoa Packing - Dissolved Air Flotation (DAF) Sludge

Month & Year	Total Solids (mg/L)		Total Volatile Solids (mg/L)		5-Day Biological Oxygen Demand (mg/L)		Oil and Grease (mg/L)		Total Phosphorus (mg/L)		Total Nitrogen (mg/L)		Ammonia (mg/L)		pH (pH units)		Density (g/mL)	
OD 93-02 Permit Limits	461,790		455,560		349,350		395,700		3,790		21,820		3,470		4.8 to 7.0		0.86 to 1.05	

VCS Samoa Packing - Precooker Water

Month & Year	Total Solids (mg/L)		Total Volatile Solids (mg/L)		5-Day Biological Oxygen Demand (mg/L)		Oil and Grease (mg/L)		Total Phosphorus (mg/L)		Total Nitrogen (mg/L)		Ammonia (mg/L)		pH (pH units)		Density (g/mL)	
OD 93-02 Permit Limits	115,180		84,450		64,650		11,180		1,850		12,830		410		5.5 to 7.0		0.95 to 1.06	

VCS Samoa Packing - Press Water

Month & Year	Total Solids (mg/L)		Total Volatile Solids (mg/L)		5-Day Biological Oxygen Demand (mg/L)		Oil and Grease (mg/L)		Total Phosphorus (mg/L)		Total Nitrogen (mg/L)		Ammonia (mg/L)		pH (pH units)		Density (g/mL)	
OD 93-02 Permit Limits	381,510		409,310		365,550		164,860		2,950		35,100		830		5.5 to 7.0		0.96 to 1.06	

NOTE: An asterisk (*) next to the waste concentration signifies that a violation of the permit limit has occurred.

**Cumulative Yearly Data on Fish Processing Wastes Generated at VCS Samoa Packing's Plant and Disposed at the Ocean Site.
MPRSA §102 Special Permit #OD 93-02**

Reporting Period: From _____ 19__ To _____ 19__

Month & Year	DAF Sludge Generated (gallons/month)	Cooker Water Generated (gallons/month)	Press Water Generated (gallons/month)	Total Generated (gallons/month)	Aluminum sulfate (pounds/month)	Coagulant polymer (pounds/month)	Volume Ocean Disposed (gallons/month)
Cumulative Yearly Totals							

NOTE: A separate table shall be prepared for each calendar year.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105
OCT 03 1995

Norman Wei
Corporate Environmental Manager
StarKist Foods, Inc.
1054 Ways Street
Terminal Island, CA 90731

Subject: Modification of Waste Stream Monitoring Requirements of
Special Ocean Disposal Permit #OD 93-01 for StarKist
Samoa, Inc.

Dear Mr. Wei:

The U.S. Environmental Protection Agency (EPA) Region IX is modifying the above-referenced special ocean disposal permit, as per Section 3.1.2.4 of this permit, effective October 6, 1995. This modification eliminates existing sampling, monitoring and maximum concentration limitations for the three individual waste streams which are the DAF sludge, cooker juice and press liquor. The modification establishes the onshore fish processing storage tank as the new sampling and monitoring location for the combined individual waste streams and also establishes new maximum concentration limitations for the combined wastes (see Table 3 of the attached amendment). The onshore fish processing storage tank is the holding tank for the three individual waste streams prior to ocean disposal. The new maximum concentration limits for the combined waste stream from the onshore fish processing storage tank have been established based on EPA's review and analysis of data per Special Conditions 3.1.2.2. through 3.1.2.4, OD 93-01.

These modifications to the permit are detailed in the attached pages which replace the corresponding pages in the permit and are hereby incorporated into and made a part of the permit, OD 93-01.

Please be reminded that the permit expires August 31, 1996 and that an application for renewal must be submitted at least 180 days prior to its expiration date. Should you have any questions regarding this revision or re-application, please call Pat Young, American Samoa Program Manager at (415) 744-1594 or Allan Ota, Ocean Disposal Coordinator at (415) 744-1980.

Sincerely,

A handwritten signature in black ink, appearing to read "AKZ", is written over the typed name "Amy Zimpfer".

Amy Zimpfer
Chief, Watershed Protection Branch
Water Management Division

Enclosure

cc: See attached mailing list

2.4. Fish Processing Waste Stream Limits

Table 3. Limits for the Onshore Storage Tank

Physical or Chemical Parameter (units)*	Limits for Onshore Storage Tank
Total Solids (mg/L)	95,760
Total Volatile Solids (mg/L)	77,170
5-Day BOD (mg/L)	105,900
Oil & Grease (mg/L)	52,110
Total Phosphorus (mg/L)	3,080
Total Nitrogen (mg/L)	13,370
Ammonia (mg/L)(mg/L)	7,640
pH (pH units)	6.2 to 7.3
Density (g/mL)	0.93 to 1.05

* All calculated values were rounded to the nearest 10 except density and pH ranges.

- 2.4.1. Permitted Maximum Concentrations were calculated based on an analysis of data gathered by the permittee through bi-monthly sampling of the onshore waste storage tank, from 9/93 to 8/94, as detailed under Section 3.1.2 of the permit. The calculations followed EPA's recommended procedure for determining permit limits as defined in the EPA document titled: Guidance Document for Ocean Dumping Permit Writers, January 30, 1988. (See attached fact sheet for details.)

EPA Region IX will periodically review these limits during the permit to evaluate the accuracy of the limits. If revisions are necessary, EPA Region IX will make changes according to the authority defined in the Ocean Dumping Regulations at 40 C.F.R. §§ 223.2 through 223.5.

- 2.4.2. The Permitted Maximum Concentrations, density range and pH range listed above, shall not be exceeded at any time during the term of this permit.

3. SPECIAL CONDITIONS - ANALYSIS OF FISH PROCESSING WASTES

Compliance with the permitted maximum concentrations defined in Special Condition 2.4 shall be determined by monthly monitoring of the waste stored in the permittee's onshore fish processing waste storage tank. DAF sludge, cooker juice and press liquor are stored in the onshore storage tank prior to ocean disposal. Reporting requirements are defined in this section. Any fish processing waste sampling dates shall be scheduled within the first two weeks of the month to allow enough time for laboratory analyses and report writing to comply with Special Condition 3.3.

3.1. Analyses of Fish Processing Wastes

- 3.1.1. Concentrations or values of the parameters listed in Special Condition 2.4 shall be determined for the waste stream sample from the onshore storage tank during the transfer of these wastes to the disposal vessel's holding tanks. Three samples shall be taken from the onshore storage tank transfer line at 10-minute intervals. These samples shall be composited to produce one sample for analysis. The permittee's samples shall not be combined with fish processing waste from any other permittee. The detection limits specified in Table 4 below shall be used.

Table 4. Physical and Chemical Parameters to be Analyzed from Fish Processing Waste Stored in the Onshore Storage Tank

Parameter	Method Detection Limit
Total Solids	10.0 mg/L
Total Volatile Solids	10.0 mg/L
5-Day BOD	10.0 mg/L
Oil and Grease	10.0 mg/L
Total Phosphorus	1.0 mg/L
Total Nitrogen	1.0 mg/L
Ammonia	1.0 mg/L
pH	0.1 pH units
Density	0.01 g/mL

(Special Conditions 3.1.2, including 3.1.2.1 through 3.1.2.4, are hereby deleted, effective October 6, 1995.)

3.1.3 All sampling procedures, analytical protocols, and quality control/quality assurance procedures shall be performed according to guidelines specified by EPA Region IX. The following references shall be used by the permittee:

3.1.3.1. 40 C.F.R. Part 136, EPA Guidelines Establishing Test Procedures for the Analysis of Pollutants Under the Clean Water Act;

3.1.3.2. Tetra Tech, Incorporated. 1985. Summary of U.S. EPA-approved Methods, Standard Methods and other Guidance for 301(h) Monitoring Variables. Final program document prepared for the Marine Operations Division, Office of Marine and Estuarine Protection, U.S. Environmental Protection Agency. EPA Contract No. 68-01-693. Tetra Tech, Incorporated, Bellevue, WA; and,

3.1.3.3. Environmental Protection Agency. 1987. Quality Assurance and Quality Control for 301(h) Monitoring Programs: Guidance on Field and Laboratory Methods. Office of Marine and Estuarine Protection, Washington, D.C., EPA 430/9-86-004.

3.2. Analytical Laboratory

3.2.1. Within 30 days of the effective date of this permit, the name and address of the contract laboratory or laboratories and a description of all analytical test procedures and quality assurance/quality control procedures, including detection limits being used, shall be provided for EPA Region IX approval.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

OCT 03 1995

Norman Wei
Corporate Environmental Manager
StarKist Foods, Inc.
1054 Ways Street
Terminal Island, CA 90731

Subject: Modification of Waste Stream Monitoring Requirements of
Special Ocean Disposal Permit #OD 93-01 for StarKist
Samoa, Inc.

Dear Mr. Wei:

The U.S. Environmental Protection Agency (EPA) Region IX is modifying the above-referenced special ocean disposal permit, as per Section 3.1.2.4 of this permit, effective October 6, 1995. This modification eliminates existing sampling, monitoring and maximum concentration limitations for the three individual waste streams which are the DAF sludge, cooker juice and press liquor. The modification establishes the onshore fish processing storage tank as the new sampling and monitoring location for the combined individual waste streams and also establishes new maximum concentration limitations for the combined wastes (see Table 3 of the attached amendment). The onshore fish processing storage tank is the holding tank for the three individual waste streams prior to ocean disposal. The new maximum concentration limits for the combined waste stream from the onshore fish processing storage tank have been established based on EPA's review and analysis of data per Special Conditions 3.1.2.2. through 3.1.2.4, OD 93-01.

These modifications to the permit are detailed in the attached pages which replace the corresponding pages in the permit and are hereby incorporated into and made a part of the permit, OD 93-01.

Please be reminded that the permit expires August 31, 1996 and that an application for renewal must be submitted at least 180 days prior to its expiration date. Should you have any questions regarding this revision or re-application, please call Pat Young, American Samoa Program Manager at (415) 744-1594 or Allan Ota, Ocean Disposal Coordinator at (415) 744-1980.

Sincerely,

Amy Zimpfer
Chief, Watershed Protection Branch
Water Management Division

Enclosure

cc: See attached mailing list

2.4. Fish Processing Waste Stream Limits

Table 3. Limits for the Onshore Storage Tank

Physical or Chemical Parameter (units)*	Limits for Onshore Storage Tank
Total Solids (mg/L)	95,760
Total Volatile Solids (mg/L)	77,170
5-Day BOD (mg/L)	105,900
Oil & Grease (mg/L)	52,110
Total Phosphorus (mg/L)	3,080
Total Nitrogen (mg/L)	13,370
Ammonia (mg/L)(mg/L)	7,640
pH (pH units)	6.2 to 7.3
Density (g/mL)	0.93 to 1.05

* All calculated values were rounded to the nearest 10 except density and pH ranges.

- 2.4.1. Permitted Maximum Concentrations were calculated based on an analysis of data gathered by the permittee through bi-monthly sampling of the onshore waste storage tank, from 9/93 to 8/94, as detailed under Section 3.1.2 of the permit. The calculations followed EPA's recommended procedure for determining permit limits as defined in the EPA document titled: Guidance Document for Ocean Dumping Permit Writers, January 30, 1988. (See attached fact sheet for details.)

EPA Region IX will periodically review these limits during the permit to evaluate the accuracy of the limits. If revisions are necessary, EPA Region IX will make changes according to the authority defined in the Ocean Dumping Regulations at 40 C.F.R. §§ 223.2 through 223.5.

- 2.4.2. The Permitted Maximum Concentrations, density range and pH range listed above, shall not be exceeded at any time during the term of this permit.

3. SPECIAL CONDITIONS - ANALYSIS OF FISH PROCESSING WASTES

Compliance with the permitted maximum concentrations defined in Special Condition 2.4 shall be determined by monthly monitoring of the waste stored in the permittee's onshore fish processing waste storage tank. DAF sludge, cooker juice and press liquor are stored in the onshore storage tank prior to ocean disposal. Reporting requirements are defined in this section. Any fish processing waste sampling dates shall be scheduled within the first two weeks of the month to allow enough time for laboratory analyses and report writing to comply with Special Condition 3.3.

3.1. Analyses of Fish Processing Wastes

- 3.1.1. Concentrations or values of the parameters listed in Special Condition 2.4 shall be determined for the waste stream sample from the onshore storage tank during the transfer of these wastes to the disposal vessel's holding tanks. Three samples shall be taken from the onshore storage tank transfer line at 10-minute intervals. These samples shall be composited to produce one sample for analysis. The permittee's samples shall not be combined with fish processing waste from any other permittee. The detection limits specified in Table 4 below shall be used.

Table 4. Physical and Chemical Parameters to be Analyzed from Fish Processing Waste Stored in the Onshore Storage Tank

Parameter	Method Detection Limit
Total Solids	10.0 mg/L
Total Volatile Solids	10.0 mg/L
5-Day BOD	10.0 mg/L
Oil and Grease	10.0 mg/L
Total Phosphorus	1.0 mg/L
Total Nitrogen	1.0 mg/L
Ammonia	1.0 mg/L
pH	0.1 pH units
Density	0.01 g/mL

(Special Conditions 3.1.2, including 3.1.2.1 through 3.1.2.4, are hereby deleted, effective October 6, 1995.)

- 3.1.3 All sampling procedures, analytical protocols, and quality control/quality assurance procedures shall be performed according to guidelines specified by EPA Region IX. The following references shall be used by the permittee:
- 3.1.3.1. 40 C.F.R. Part 136, EPA Guidelines Establishing Test Procedures for the Analysis of Pollutants Under the Clean Water Act;
 - 3.1.3.2. Tetra Tech, Incorporated. 1985. Summary of U.S. EPA-approved Methods, Standard Methods and other Guidance for 301(h) Monitoring Variables. Final program document prepared for the Marine Operations Division, Office of Marine and Estuarine Protection, U.S. Environmental Protection Agency. EPA Contract No. 68-01-693. Tetra Tech, Incorporated, Bellevue, WA; and,
 - 3.1.3.3. Environmental Protection Agency. 1987. Quality Assurance and Quality Control for 301(h) Monitoring Programs: Guidance on Field and Laboratory Methods. Office of Marine and Estuarine Protection, Washington, D.C., EPA 430/9-86-004.

3.2. Analytical Laboratory

- 3.2.1. Within 30 days of the effective date of this permit, the name and address of the contract laboratory or laboratories and a description of all analytical test procedures and quality assurance/quality control procedures, including detection limits being used, shall be provided for EPA Region IX approval.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
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Norman Wei
Corporate Environmental Manager
StarKist Foods, Inc.
1054 Ways Street
Terminal Island, CA 90731

Subject: Modification of Waste Stream Monitoring Requirements of
Special Ocean Disposal Permit #OD 93-01 for StarKist
Samoa, Inc.

Dear Mr. Wei:

The U.S. Environmental Protection Agency (EPA) Region IX is modifying the above-referenced special ocean disposal permit, as per Section 3.1.2.4 of this permit, effective October 6, 1995. This modification eliminates existing sampling, monitoring and maximum concentration limitations for the three individual waste streams which are the DAF sludge, cooker juice and press liquor. The modification establishes the onshore fish processing storage tank as the new sampling and monitoring location for the combined individual waste streams and also establishes new maximum concentration limitations for the combined wastes (see Table 3 of the attached amendment). The onshore fish processing storage tank is the holding tank for the three individual waste streams prior to ocean disposal. The new maximum concentration limits for the combined waste stream from the onshore fish processing storage tank have been established based on EPA's review and analysis of data per Special Conditions 3.1.2.2. through 3.1.2.4, OD 93-01.

These modifications to the permit are detailed in the attached pages which replace the corresponding pages in the permit and are hereby incorporated into and made a part of the permit, OD 93-01.

Please be reminded that the permit expires August 31, 1996 and that an application for renewal must be submitted at least 180 days prior to its expiration date. Should you have any questions regarding this revision or re-application, please call Pat Young, American Samoa Program Manager at (415) 744-1594 or Allan Ota, Ocean Disposal Coordinator at (415) 744-1980.

SYMBOL	E-4	E-4	W-3		
SURNAME	pyoung	M. J. J.	W. J.		
DATE	10/2/95	10/2/95	10/3/95		
U.S. EPA CONCURRENCES				OFFICIAL FILE COPY	

Sincerely,

Amy Zimpfer
Chief, Watershed Protection Branch
Water Management Division

Enclosure

cc: See attached mailing list

FACT SHEET
Calculations for Onshore Fish Waste Storage Tank

Fish waste permits for Starkist Samoa and VCS Samoa Packing

CALCULATION OF REVISED PERMIT LIMITS

1. Data collected from the onshore storage tank from September 1993 through August 1994 were used to calculate the revised permit limits. The data for each cannery were evaluated separately.
2. Because variation in these waste streams is such that constituent values are not normally distributed, the data were converted with a logarithmic transformation. The following calculations were then made for each set of data, including mean, standard deviation, and the number of points.
3. Any data values determined to be significantly different from the population of data points by visual inspection of scatter plots, and/or confirmed to be greater than or less than the mean plus or minus 2 standard deviations, were considered to be outliers. Outlier data points were not used in the permit limit calculations.
4. All procedures for calculating permit limits are discussed in Sections 3.1.1 and 3.1.2 (pages 3-1- to 3-9) of EPA's Guidance Document for Ocean Dumping Permit Writers (January 30, 1988).

- a. The mean and standard deviation of each physical or chemical parameter were calculated by the following equations:

$$\text{Mean}_x = \frac{\sum x_i}{N}$$

x_i = each value for the i th constituent

N = the number of data points reported

$$\text{Standard Deviation}_x = \frac{\sum \{x_i - \text{Mean}_x\}^2}{N - 1}$$

- b. The permit limit (Upper Limit) was determined by taking the mean and adding the product of a constant multiplied by the standard deviation.

$$\text{Upper Limit}_x = \text{Mean}_x + (k \times \text{Standard Deviation}_x)$$

k = a constant from Table 3-2 in EPA's 1988 Guidance Document.

- c. The constant (k) is based on N and two variables, probability (gamma) and proportion (P), used to compute permit limits. In this case, all limits were calculated with gamma = 0.90 and P = 0.95.
5. The calculated permit limit for the transformed data was then reconverted back to an untransformed value by obtaining the anti-log of the calculated permit limit as follows:

$$\text{Converted permit limit} = E^x$$

$$(x = \text{transformed permit limit}; E = 2.7183)$$

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**MARINE PROTECTION, RESEARCH AND SANCTUARIES ACT § 102
OCEAN DUMPING PERMIT**

PERMIT NUMBER AND TYPE: OD 93-01 Special

EFFECTIVE DATE: ~~July 31~~ September 1, 1993

EXPIRATION DATE: ~~July 31~~ August 31, 1996

PERMITTEE: StarKist Samoa, Inc.
P.O. Box 368
Pago Pago, American Samoa 96799

WASTE GENERATOR: StarKist Samoa, Inc.
P.O. Box 368
Pago Pago, American Samoa 96799

WASTE GENERATED AT: StarKist Samoa, Inc.
P.O. Box 368
Pago Pago, American Samoa 96799

PORT OF DEPARTURE: Pago Pago Harbor, American Samoa

WASTE TRANSPORTER: FV TASMAN SEA
Blue North Fisheries, Inc.
1130 N.W. 45th Street
Seattle, Washington 98107-4626

A special ocean dumping permit is being issued to StarKist Samoa, Inc. because the Regional Administrator of EPA Region IX has determined that disposal of fish processing wastes off American Samoa meets EPA's ocean dumping criteria at 40 C.F.R. Parts 227 and 228. For this permit, the term "fish processing wastes" shall ~~mean either~~ refer to Dissolved Air Flotation (DAF) Sludge, Cooker Juice ~~and~~ Press Liquor generated at the permittee's plant in Pago Pago, American Samoa; or any combination of the three waste streams pumped from StarKist Samoa's onshore holding tanks into the ocean disposal vessel for transportation to the ocean disposal site.

This special permit authorizes the transportation and dumping into ocean waters of fish processing wastes as described in the special conditions section pursuant to the Marine Protection, Research, and Sanctuaries Act (MPRSA) of 1972 (33 U.S.C. § 1401 *et seq.*) as amended (hereinafter referred to as "the Act"); regulations issued thereunder; and the terms and conditions stated below.

This MPRSA Special Permit does not contain any information collection requirements subject to Office of Management and Budget review under the Paper Work Reduction Act of 1980 (44 U.S.C. § 3501 *et seq.*). This determination has been made because the permit does not require data collection by more than 10 persons.

1. GENERAL CONDITIONS

- 1.1. Operation under this special ocean dumping permit shall conform to all applicable federal statutes and regulations including, but not limited to, the Act, ~~the Ocean Dumping Ban Act of 1988 (P.L. 100-688)~~, the Marine Plastic Pollution Research and Control Act of 1987 (P.L. 100-220), the Clean Water Act (33 U.S.C. § 1251 *et seq.*), and the Ports and Waterways Safety Act (33 U.S.C. § 1221 *et seq.*).
- 1.2. All transportation and dumping authorized herein shall be undertaken in a manner consistent with the terms and conditions of this permit. StarKist Samoa, Inc. (hereafter referred to as "the permittee") shall be liable for compliance with all such terms and conditions. The permittee shall be held liable under § 105 of the Act (33 U.S.C. § 1415) if any permit violations occur. During disposal operations when the permittee's fish processing wastes are loaded aboard the disposal vessel in holding tanks, either separately or combined with similar fish processing wastes from other permittees authorized to use the ocean disposal site defined in Special Condition 2.2, ~~all companies the permittees~~ shall be held individually liable under § 105 of the Act (33 U.S.C. § 1415) if a permit violation occurs. If a permit violation occurs during the transportation and disposal of fish processing wastes, the waste transporter may also be liable for permit violations.
- 1.3. Under § 105 of the Act, any person who violates any provision of the Act, 40 C.F.R. Parts 220 through 228 promulgated thereunder, or any term or condition of this permit shall be liable for a civil penalty of not more than \$50,000 per day for each violation. Additionally, any knowing violation of the Act, 40 C.F.R. Parts 220 through 228, or the permit may result in a criminal action being brought with penalties of not more than \$50,000 or one year in prison, or both. Violations of the Act or the terms and conditions of this permit include but are not limited to:
 - 1.3.1. Transportation to, and dumping at any location other than that defined in Special Condition 2.2 of this permit;
 - 1.3.2. Transportation and dumping of any material not identified in this permit, more frequently than authorized in this permit, or more than the quantities identified in this permit, unless specifically authorized by a written modification hereto;
 - 1.3.3. Failure to conduct permit monitoring as required in Special Conditions 3.1, 3.3.1, 4.7 and 5.1; or
 - 1.3.4. Failure to file reports on fish processing wastes ~~stream reports~~ and disposal site monitoring reports as required in the Special Conditions ~~3.3, 4.7, 5.2 and 5.3.~~

- 1.4. Nothing contained herein shall be deemed to authorize, in any way, the transportation from the United States for the purpose of dumping into the ocean waters, the territorial sea, or the contiguous zone, the following materials:
- 1.4.1. High-level radioactive wastes;
 - 1.4.2. Materials, in whatever form, produced for radiological, chemical, or biological warfare;
 - 1.4.3. Persistent synthetic or natural materials which may float or remain in suspension in the ocean; or
 - 1.4.4. Medical wastes as defined in § 3(k) of the Act.
 - 1.4.5. Flotables, garbage, domestic trash, waste chemicals, solid waste, or any materials prohibited by the ~~Ocean Dumping Ban Act~~ or the Marine Plastic Pollution Research and Control Act.
- 1.5. Nothing contained herein shall be deemed to authorize, in any way, violation of applicable American Samoa Water Quality Standards. The following water quality standards apply:

Table 1. 1989 American Samoa Water Quality Standards: Oceanic Waters [§24.0207(g)(1-7)].

Parameter	Median Not to Exceed the Given Value
Turbidity	0.20 NTU
Total Phosphorus	11.0 µg-P/L
Total Nitrogen	115.0 µg-N/L
Chlorophyll <i>a</i>	0.18 µg/L
Light Penetration Depth	150 feet, to exceed the given value 50% of the time.
Dissolved Oxygen	Not less than 80% of saturation or less than 5.5 mg/L. If the natural level of dissolved oxygen is less than 5.5 mg/L, then the natural dissolved oxygen level shall become the standard.
pH	The pH range shall be 6.5 to 8.6 pH units and within 0.2 pH units of the level which occurs naturally.

- 1.6. After notice and opportunity for a hearing, this permit may be revised, revoked or limited, in whole or in part, subject only to the provisions of 40 C.F.R. §§ 222.3(b) through 222.3(h) and 40 C.F.R. § 223.2, as a result of a determination by the Regional Administrator of EPA that:
 - 1.6.1. The cumulative impact of the permittee's dumping activities or the aggregate impact of all dumping activities in the dump site designated in Special Condition 2.2 should be categorized as Impact Category I, as defined in 40 C.F.R. § 228.10(c)(1);
 - 1.6.2. There has been a change in circumstances ~~about~~ regarding the management of the disposal site designated in Special Condition 2.2;
 - 1.6.3. The dumping authorized by the permit would violate applicable American Samoa Water Quality Standards;
 - 1.6.4. The dumping authorized can no longer be carried out consistent with the criteria defined at 40 C.F.R. Parts 227 and 228;
 - 1.6.5. The permittee violated any term or condition of the permit;
 - 1.6.6. The permittee misrepresented, or did not disclose all relevant facts in the permit application accurately; or
 - 1.6.7. The permittee did not keep records, engage in monitoring and reporting activities, or to notify appropriate officials in a timely manner of the transportation and dumping activities as specified in any condition of this permit.
- 1.7. The permittee shall ensure always that facilities, including any vessels associated with the permit, are in good working order to achieve compliance with the terms and conditions of this permit. During all ~~transportation and~~ loading operations, there shall not be a loss of fish processing wastes to any waterway. During transport to the disposal site, there shall not be a loss of fish processing wastes to Pago Pago Harbor or the ocean.
- 1.8. Any change in the designated fish processing waste transporter may be made at the discretion of the Regional Administrator or his delegate. A written request for such a transfer shall be made by the permittee at least thirty (30) days before the requested transfer date. Written approval by the EPA Regional Administrator must be obtained before such a transfer occurs.
- 1.9. The permittee shall allow the EPA Regional Administrator, the Commander of the Fourteenth U.S. Coast Guard District (USCG), the Director of the American Samoa Environmental Protection Agency (ASEPA), and/or their authorized representatives to:

- 1.9.1. Enter into, upon, or through the permittee's premises, vessels, or other premises or vessels under the control of the permittee, where, or in which, a source of material to be dumped is located or in which any records are required to be kept under the terms and conditions of this permit or the Act;
- 1.9.2. Have access to and copy any records required to be kept under the terms and conditions of this permit or the Act;
- 1.9.3. Inspect any dumping equipment, navigational system equipment, monitoring equipment or monitoring methods required in this permit;
- 1.9.4. Sample or require that a sample be drawn, under EPA, USCG, or ASEPA supervision, of any materials discharged or to be discharged; or
- 1.9.5. Inspect laboratory facilities, data, and quality control records required for compliance with any condition of this permit.
- 1.10. Material which is regulated by this permit may be disposed of, due to an emergency, to safeguard life at sea in locations or in a manner that does not comply with the terms of this permit. If this occurs, the permittee shall make a full report, according to the provisions of 18 U.S.C. § 1001, within 15 days to the EPA Regional Administrator, the USCG and the ASEPA describing the conditions of this emergency and the actions taken, including the location, the nature and the amount of material disposed.
- 1.11. The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of rights, nor any infringement of Federal, State or local laws or regulations, nor does it obviate the necessity of obtaining State or local assent required by applicable law for the activity authorized.
- 1.12. This permit does not authorize or approve the construction of any onshore or offshore physical structures or facilities, or, except as authorized by this permit, the conduct of any work in any navigable waters.
- 1.13. Unless otherwise provided for herein, all terms used in this permit shall have the meanings assigned to them by the Act or 40 C.F.R. Parts 220 through 228, issued thereunder.
2. **SPECIAL CONDITIONS - DISPOSAL SITE AND FISH PROCESSING WASTE CHARACTERIZATION**

Special conditions are necessary to define the length of the permit period, identify the disposal site location, describe fish processing waste streams and define maximum permitted limits for ~~each fish processing waste~~ DAF Sludge, Cooker Juice and Press Liquor.

2.1. Location of the Waste Generator and Duration of the Permit

- 2.1.1. The material to be dumped shall consist of fish processing wastes, defined in Special Conditions 2.3 and 2.4, generated at the permittee's fish cannery in Pago Pago, American Samoa.
- 2.1.2. This permit shall become effective on ~~July 31~~September 1, 1993 and it shall expire three years from the effective data at midnight on ~~July 31~~August 31, 1996.

2.2. Location of Disposal Site

Disposal of fish processing wastes generated at the location defined in Special Condition 2.1.1 shall be confined to a circular area with a 1.5 nautical mile radius, centered at 14° 24.00' South latitude by 170° 38.30' West longitude.

2.3. Description of Fish Processing Wastes

- 2.3.1. During the term of this permit, and according to all other terms and conditions of this permit, the permittee is authorized to transport and dispose a maximum of 200,000 gallons per day of fish processing wastes pumped from a storage tank on the permittee's premises. The fish processing wastes pumped from the permittee's storage tank are authorized for disposal at the designated ocean disposal site. Fish processing wastes pumped into the permittee's onshore storage tanks~~for disposal into ocean waters quantities of fish processing wastes that~~ shall not exceed the following amounts:

Table 2. Volumes of Fish Processing Wastes ~~Authorized~~Generated Each Day by StarKist Samoa and Pumped into a Storage Tank before Loading into the Ocean Disposal Vessel ~~for Disposal~~.

Fish Processing Waste	Maximum Volume Generated (gallons/day)
Dissolved Air Flotation (DAF) Sludge	30,000
Cooker Juice	70,000
Press Liquor	100,000
Maximum Daily Volume Generated and Pumped into a Storage Tank before Loading into the Disposal Vessel	200,000

2.4. Fish Processing Waste Stream Limits

Table 3. Limits for DAF Sludge, Cooker Juice and Press Liquor.

Physical or Chemical Parameter (units) ^a	DAF Sludge	Cooker Juice	Press Liquor
Total Solids (mg/L)	163,430	114,180	327,870
Total Volatile Solids (mg/L)	136,180	63,400	292,280
5-Day BOD (mg/L)	232,320	185,150	310,790
Oil and Grease (mg/L)	64,100	11,810	112,080
Total Phosphorus (mg/L)	1,640	940	3,160
Total Nitrogen (mg/L)	7,020	7,560	20,360
Ammonia (mg/L)	1,830	690	1,390
pH (pH units)	5.3 to 6.57.0	5.9 to 6.37.0	5.8 to 6.57.0
Density (g/mL)	0.97 to 1.06	0.98 to 1.06	0.99 to 1.08

a = All calculated values were rounded to the nearest 10, except the density and pH ranges.

2.4.2. Permitted Maximum Concentrations for each type of fish processing waste stream were calculated based on an analysis of historical data from the permittee's previous Special Ocean Dumping Permit, number OD 90-01. The calculations followed EPA's recommended procedure for determining permit limits as defined in the EPA document titled: "Guidance Document for Ocean Dumping Permit Writers" (January 30, 1988). EPA Region IX will periodically review these limits during the permit to evaluate the accuracy of the limits. If revisions are necessary, EPA Region IX will make changes according to the authority defined in the Ocean Dumping Regulations at 40 C.F.R §§ 223.2 through 223.5.

2.4.3. The Permitted Maximum Concentrations, density range and pH range listed above, shall not be exceeded at any time during the term of this permit.

3. SPECIAL CONDITIONS - ANALYSIS OF FISH PROCESSING WASTES

Compliance with the permitted maximum concentrations defined in Special Condition 2.4 shall be determined by monthly monitoring of **each of the fish processing waste streams permitted for ocean disposal**. Additional analyses of fish processing wastes and reporting requirements are defined in this section. Any fish processing waste stream sampling dates

shall be scheduled within the first two weeks of the month to allow enough time for laboratory analyses and report writing to comply with Special Condition 3.3.

3.1. Analyses of Fish Processing Wastes

- 3.1.1. Concentrations or values of the parameters listed in Special Condition 2.4 and those listed in the table below shall be determined for each fish processing waste stream. A sample of each fish processing waste stream shall be taken before the individual streams are mixed ~~before being and~~ pumped into an onshore storage tank ~~the disposal vessel~~. A sample shall consist of three replicate ~~samples~~ grab samples, taken on the day that sampling is scheduled, pooled for use as a composite sample. The detection limits specified in Table 4 shall be used in all fish processing waste stream analyses.

Table 4. Physical and Chemical Parameters to be Analyzed from Individual Samples of DAF Sludge, Precooker Water and Press Water.

Parameter	Method Detection Limit
Total Solids	10.0 mg/L
Total Volatile Solids	10.0 mg/L
5-Day BOD	10.0 mg/L
Oil and Grease	10.0 mg/L
Total Phosphorus	1.0 mg/L
Total Nitrogen	1.0 mg/L
Ammonia	1.0 mg/L
pH	0.1 pH units
Density	0.01 g/mL

- 3.1.2. In addition to the fish processing waste stream samples taken under Special Condition 3.1.1, the permittee shall analyze samples taken from its onshore fish processing waste storage tank during the transfer of these wastes to the disposal vessel's holding tanks.

- 3.1.2.1. Three samples shall be taken from the onshore storage tank transfer line at 10 minute intervals. These samples shall be composited to produce one sample for analysis. The permittee's samples shall not be combined with fish processing waste from any other permittee.

3.1.2.2. Samples described in Special Condition 3.1.2.1 shall be taken for 12 months. Samples shall be collected on the same day that samples are taken for analysis under Special Condition 3.1.1 and another sample shall be taken one week later.

3.1.2.3. The same parameters and detection limits listed in Table 4 shall be analyzed and used for the onshore storage tank composite samples. This sampling and analysis program will provide 2 samples per month for 12 months yielding 24 samples.

3.1.2.4. The permittee shall send a copy of the analytical data for the onshore storage tank samples to EPA Region IX every 3 months during the 12-month sampling period. EPA Region IX will use these results to calculate limits for the onshore storage tank fish processing wastes. When the onshore storage tank limits are calculated, EPA Region IX will evaluate whether to amend this permit using the new limits.

3.1.3. All sampling procedures, analytical protocols, and quality control/quality assurance procedures shall be performed according to guidelines specified by EPA Region IX. The following references shall be used by the permittee:

3.1.3.1. 40 C.F.R. Part 136, EPA Guidelines Establishing Test Procedures for the Analysis of Pollutants Under the Clean Water Act;

3.1.3.2. Tetra Tech, Incorporated. 1985. Summary of U.S. EPA-approved Methods, Standard Methods and Other Guidance for 301(h) Monitoring Variables. Final program document prepared for the Marine Operations Division, Office of Marine and Estuarine Protection, U.S. Environmental Protection Agency. EPA Contract No. 68-01-693. Tetra Tech, Incorporated, Bellevue, Wa.; and

3.1.3.3. Environmental Protection Agency. 1987. Quality Assurance and Quality Control for 301(h) Monitoring Programs: Guidance on Field and Laboratory Methods. Office of Marine and Estuarine Protection, Washington, D.C. EPA 430/9-86-004.

~~3.1.3. Any parameters listed in Special Condition 3.1.1 that are shown to be consistently undetected, may be eliminated from further analytical tests. Before elimination of the parameter is permitted, the permittee shall obtain written approval from EPA Region IX and the ASEPA.~~

3.2. Analytical Laboratory

- 3.2.1. Within 30 days of the effective date of this permit, the name and address of the contract laboratory or laboratories and a description of all analytical test procedures and quality assurance/quality control procedures, including detection limits being used, shall be provided for EPA Region IX approval.
- 3.2.2. Any potential variation or change in the designated laboratory or analytical procedures shall be reported, in writing, for EPA Region IX approval.
- 3.2.3. EPA Region IX may require analyses of quality control samples by any laboratories employed to comply with Special Condition 3.1 and Appendix A. Upon request, the permittee shall provide EPA Region IX with the analytical results from such samples.
- 3.2.4. A complete analysis of parameters, required in Special Condition 3.1, shall be made by the permittee and reported to EPA Region IX and the ASEPA whenever there is a significant change in the quality of the fish processing waste stream as determined by EPA Region IX or the ASEPA, process configuration, or fish processing waste treatment. If required by necessary, EPA Region IX, bioassays shall may be required in addition to parameter analyses.

3.3. Reporting

- 3.3.1. The permittee shall provide EPA Region IX, ASEPA, the National Marine Fisheries Service (NMFS), the U.S. Fish and Wildlife Service (USFWS) and the Western Pacific Regional Fishery Management Council (WPRFMC) with a report, prepared every 63 months during the permit period, that contains the following information:
 - 3.3.1.1. Daily volumes of DAF Sludge, Cooker Juice and Press Liquor removed from generated at the permittee's facility, and pumped into the permittee's onshore storage tanks loaded into the disposal vessel. These volumes shall be reported in gallons per day using Form 1 (see Appendix B);
 - 3.3.1.2. Daily volumes of fish processing wastes disposed at the ocean disposal site. These volumes shall be reported in gallons per day using Form 1 (see Appendix B);
 - 3.3.1.3. Monthly fish processing waste stream analyses demonstrating that the fish processing wastes being dumped comply with the permitted limits of parameters listed in Special Condition 2.4 and a summary of the volumes of fish processing wastes disposed at the ocean site using Form 2 (see Appendix B);

- 3.3.1.4. The monthly amount of alum (aluminum sulfate) and coagulant polymer added to the fish processing waste streams reported in pounds per month (see Forms 1 and 2).
- 3.3.2. Such reports, including a comparison with the permit limits as required on Forms 1 and 2, shall be submitted to EPA Region IX, ASEPA, NMFS USFWS and WPRFMC within 45 days of the end of the preceding 63-month period for which they were prepared. The reports shall be submitted within this time unless extenuating circumstances are communicated to EPA Region IX and the ASEPA in writing. In addition to a hard copy of Forms 1 and 2, the data contained on Form 1 shall be submitted to EPA Region IX on a 3.5" computer diskette in a format compatible with LOTUS version 2.2.
- 3.3.3. A summary report of all 63-month reports listed in Special Condition 3.3.1, including a comparisons with permit limits and a detailed discussion of the summary results, shall be submitted by the permittee to EPA and the ASEPA 45 days after the permit expires. All fish processing waste stream data shall be reported in the same format as required in Special Condition 3.3.2.
- 3.3.4. Upon detection of a violation of any permit condition, the permittee shall send a written notification of this violation to EPA Region IX and the ASEPA within five working days and a detailed written report of the violation shall be sent to the agencies within 15 working days. This notification shall pertain to any permit limits (defined in Special Condition 2.4) that are exceeded, violation of volume limits (defined in Table 2 under Special Condition 2.3.1), and any disposal operation that occurs outside the disposal site defined in Special Condition 2.2.
- 3.3.5. ~~Eighteen months~~ One year from the effective date of this special permit, the permittee shall submit a report to EPA and ASEPA on the results of suspended phase bioassay tests and reevaluation of the model used to predict the concentrations of fish processing wastes disposed at the designated site. The suspended phase bioassays shall be conducted using at least one species from each of the following three groups: Group 1 = *Mytilus* sp. (mussel), *Crassostrea* sp. (oyster), *Acartia tonsa* (copepod), or *Trypneustes* sp. (sea urchin) larvae; Group 2 = *Holmesimysis costata* (mysid shrimp) or *Penaeus vannamei* (white shrimp); and Group 3 = *Citharichthys stigmaeus* (speckled sanddab) or *Coryphaena hippurus* (dolphinfish) juveniles.

Appropriate suspended phase bioassay protocols, either protocols approved by EPA or protocols published by the American Society for Testing and Materials (ASTM), shall be followed. Suspended particulate phase bioassays shall be run using the following fish processing waste concentrations: 100%, 75%, 50%, 25%, ~~12.5%~~ 10%, 5%, and a control (0%). A minimum of five replicates are required per dilution concentration. Concurrent reference toxicant tests shall be conducted when the suspended phase bioassays are run.

A sampling and testing plan shall be submitted to EPA Region IX and ASEPA by October 1, 1993 for approval before the bioassay tests are conducted. Samples for the suspended particulate phase bioassays shall be composited from the permittee's onshore storage tanks. Three samples shall be taken from the onshore storage tank transfer line at 10 minute intervals. These samples shall be composited to produce one sample for analysis. The permittee's samples shall not be combined with fish processing waste from any other permittee. The permittee shall take samples on the following dates: November 30, 1993, February 28, 1994 and May 31, 1994. Samples shall be collected and shipped to the testing laboratory according to EPA-approved methods to ensure that the samples do not change before the bioassay tests begin. All suspended particulate phase bioassays shall be started within 10 days of sampling.

The testing plan submitted by October 1, 1993 should also include a proposal to reevaluate the disposal site model using results obtained from the new series of suspended phase bioassays. These bioassays are being required to confirm the toxicity of the fish processing wastes and to reevaluate the disposal operations based on the use of a different disposal vessels.

The bioassay and computer model confirmation report shall contain the following information:

3.3.5.1. INTRODUCTION AND PROJECT DESCRIPTION

The project description should include the following information about fish processing waste toxicity, previous bioassay test results, previous modelling at the ocean disposal site, and the design of the new bioassay tests.

3.3.5.2. MATERIALS AND METHODS

Fish processing waste sampling and sample handling procedures should be described or referenced.

References for laboratory protocols for suspended phase bioassay tests.

- 1) EPA-approved methods and references.
- 2) Test species used in each test, the supplier or collection site for each test species, and QA/QC procedures for maintaining the test species.
- 3) Source of seawater used in reference, control and bioassay tests.
- 4) Data and statistical analysis procedures.
- 5) Limiting Permissible Concentration (LPC) calculations.

- 6) Description of model selected to evaluate dispersal of fish processing wastes at the ocean disposal site. Use of this model shall be approved by EPA Region IX and ASEPA before it is used by the permittee to evaluate the fish processing waste disposal plume.

3.3.5.3. DESCRIPTION OF SAMPLING PROCEDURES

QA/QC procedures and actual sampling procedures used during fish processing waste stream sampling and handling of the samples.

3.3.5.4. FINAL RESULTS, ANALYSIS OF DATA AND DISCUSSION

- 1) Complete bioassay data tables and summary bioassay tables shall be furnished in the report. All data tables should be typed or produced as a computer printout.
- 2) The permittee shall analyze the bioassay data and calculate the LPC of the material as defined at 40 C.F.R. § 227.27(a-b).
- 3) The permittee shall use the LPC in the approved plume model to determine the concentration of fish processing wastes disposed at the designated ocean disposal site which complies with EPA's Ocean Dumping Criteria defined at 40 C.F.R. Parts 227 and 228.

3.3.5.5. REFERENCES

This list should include all references used in the field sampling program, laboratory protocols, LPC calculations, modelling analyses, and historical data used to evaluate the fish processing waste disposal operations at the designated ocean disposal site.

3.3.5.6. DETAILED QA/QC PLANS AND INFORMATION

The following topics should be addressed in the QA Plan:

- 1) QA objectives.
- 2) Organization, responsibilities and personnel qualifications, internal quality control checks.
- 3) Sampling and analytical procedures.
- 4) Equipment calibration and maintenance.
- 5) Sample custody and tracking.
- 6) documentation, data reduction, and reporting.

- 7) Data validation.
- 8) Performance and systems audits.
- 9) Corrective action.
- 10) Reports.

4. SPECIAL CONDITIONS - VESSEL OPERATIONS

Specifications for vessel operations are defined to limit dumping activities to the dump site identified in Special Condition 2.2 and to record all dumping activities. The permittee's fish processing wastes ~~from the permittee's waste streams and fish processing wastes of other authorized permittees may be loaded into the disposal vessel together or separately. If the waste transported to the disposal site is a combination of materials from the two plants, each permittee shall be liable for all permit conditions regarding disposal of the fish processing wastes. If the fish processing wastes disposed at the site are only generated at the StarKist Samoa plant, then StarKist Samoa shall be solely liable for all permit conditions pertaining to the disposal operation.~~

4.1. Posting of the Permit

This permit, or a true copy thereof, shall be placed in a conspicuous place on any vessel which is used for the transportation and dumping authorized by this permit. ~~If the dumping vessel is an unmanned barge, the permit or true copy of the permit shall be transferred to the towing vessel.~~

4.2. Vessel Identification

Every vessel engaged in the transportation of fish processing wastes for ocean disposal shall have its name and number painted in letters and numbers at least fourteen (14) inches high on both sides of the vessel. The name and number shall be kept distinctly legible always, and a vessel without such markings shall not be used to transport or dump fish processing wastes material.

4.3. Determination of the Disposal Location Within the Dump Site

On each disposal trip, the master of the disposal vessel shall determine the location of the disposal operation as follows:

- 4.3.1. The disposal vessel, as defined under WASTE TRANSPORTER on page 1 of this permit, shall proceed directly to the center of the disposal site at the location specified in Special Condition 2.2.
- 4.3.2. The master of the vessel shall observe the conditions at the dump site center, noting the vessel's position (latitude and longitude), wind direction and observed surface current direction.

4.3.3. After the conditions defined in Special Condition 4.3.2 have been recorded, the master of the disposal vessel shall proceed 1.1 nautical miles up current from the center of the disposal site and record the position of the disposal vessel (latitude and longitude). This position shall be the starting point for disposal operations for each disposal trip.

4.3.4. The master of the disposal vessel shall prepare a hard copy (on 8.5 inch by 11 inch paper) of the computerized navigational plot documenting compliance with the procedures defined in Special Conditions 4.3.1 through 4.3.4. The hard copy of the computerized navigational plot for each disposal trip shall be supplied to the permittee and supply these to the permittee. The permittee shall submit these hard copies of the computerized navigational plots with the 63-month reports required under Special Condition 3.3.1. The hard copies of the navigational plots shall include:

4.3.4.1. The disposal vessel's course during the entire dumping operation; and

4.3.4.2. The times and location of entry and exit from the disposal site, position and time of arrival at the center of the disposal site, position and time of arrival at the location 1.1 nautical miles up current from the disposal site, beginning and ending of dumping operations, and disposal vessel position plotted every 15 minutes while dumping operations occur.

4.3.5. The master of the disposal vessel shall sign and date each hard copy of the computerized navigational plots certifying that the hard copies are an accurate record of the disposal vessel's track for each disposal trip.

4.3.6. The master of the disposal vessel shall certify that disposal operations occurred in the manner required by the permit.

4.3.7. The procedures listed in Special Conditions 4.3.1 through 4.3.6 shall be repeated for each disposal trip.

4.4. Disposal Rate and Vessel Speed

4.4.1. The disposal vessel/barge shall discharge the material authorized by this permit beginning at the disposal location as determined by Special Condition 4.3.3. The vessel track shall be in a direction that is perpendicular to the current detected at the center of the disposal site as defined in Special Condition 2.2. Disposal shall occur in a oval shape along an axis at least 0.5 nautical miles on either side of the starting point determined in Special Condition 4.3.3. The entire disposal vessel track shall be within the disposal site boundaries.

4.4.1.1. From June 1 through November 30, fish processing wastes shall be pumped from the disposal vessel into the ocean the disposal

~~operation at the location plotted in Special Condition 4.3.3. shall be conducted~~ at a rate of 140 gallons per minute per knot, not to exceed 1,400 gallons per minute at a maximum speed of 10 knots.

- 4.4.1.2. From December 1 through May 31, fish processing wastes shall be pumped from the disposal vessel into the ocean ~~the disposal operation at the location plotted in Special Condition 4.3.3. shall be conducted~~ at a rate of 120 gallons per minute per knot, not to exceed 1,200 gallons per minute at a maximum speed of 10 knots.

4.5. Computerized Navigational System

The permittee shall use an onboard computerized electronic positioning system to fix the position of the disposal vessel accurately during all dumping operations. The computerized navigational system and the method to produce a 8.5 inch by 11 inch hard copy of each disposal trip must be approved by EPA Region IX and the USCG Liaison Office (CGLO) Pago Pago. The permittee shall submit the description, specifications and example hard copy plots for the computerized navigational system at least 15 working days before the effective date of the permit. Disposal operations shall not begin until EPA Region IX and CGLO Pago Pago provide the permittee with written approval for the computerized navigation system and the hard copy plots.

4.6. Permitted Times for Disposal Operations

Dumping operations shall be restricted to daylight hours, unless an emergency exists as defined at 40 C.F.R. § 220.1(c)(4). ASEPA and CGLO Pago Pago shall be notified immediately if an emergency exists and ocean disposal is required to protect human life at sea. No later than 5 working days after the emergency, the permittee and the waste transporter shall provide EPA Region IX, ASEPA and CGLO Pago Pago with a detailed written report on the emergency situation.

4.7. Reporting of the Ocean Dumping Vessel Operations

- 4.7.1. The waste transporter shall maintain and the permittee shall submit copies of a daily transportation and dumping log, including hard copy plots of all information ~~requested~~ required in Special Conditions 4.3 and 4.7.2. Copies of the daily logs shall be sent to EPA Region IX, CGLO Pago Pago, and the ASEPA as part of the 63-month report.

- 4.7.2. The logbook shall contain the following information for each waste disposal trip:

- 4.7.2.1. Permit number, date and consecutive trip number;

- 4.7.2.2. Record of contact with ASEPA and CGLO before each trip to the ocean disposal site.
- 4.7.2.3. The time when loading of the vessel commences and ceases in Pago Pago Harbor;
- 4.7.2.4. The volume of ~~each~~ fish processing waste loaded into the disposal vessel from each fish cannery;
- 4.7.2.5. The time and navigational position that dumping commences and ceases;
- 4.7.2.6. A record of vessel speed and direction every 15 minutes during each dumping operation at the disposal site, and a ~~computerized plot~~ hard copy of the vessel's course defined in Special Condition 4.3;
- 4.7.2.7. Discharge rate from the disposal vessel.
- 4.7.2.8. Observe, note and plot the time and position of any floatable material;
- 4.7.2.9. Observe, note and plot the wind speed and direction every 30 minutes while dumping fish processing wastes at the designated disposal site;
- 4.7.2.10. Observe and note current direction at the beginning and end of the disposal trip, and the direction of the ~~waste disposal~~ plume at the end of the disposal operation;
- 4.7.2.11. Observe, note and plot the presence of the previous disposal plume and any unusual occurrences during the disposal trip, or any other information relevant to the assessment of environmental impacts as a result of dumping activities; and
- 4.7.2.12. Any unusual occurrences noted under Special Condition 4.7.2.9 shall be highlighted in the report defined in Special Condition 3.3.1.

5. SPECIAL CONDITIONS - DUMP SITE MONITORING

The monitoring program for disposal of fish processing wastes in the ocean must document effects of disposed wastes on the receiving waters, biota, and beneficial uses of the receiving waters; compliance with EPA's Ocean Dumping Regulations; and determine compliance with permit terms and conditions. Revisions to the monitoring program may be made under the direction of EPA Region IX at any time during the permit term, in compliance with 40 C.F.R. §§ 223.2 and 223.3. This may include a change in the number of

parameters to be monitored, the frequency of monitoring, the location of sample stations, or the number and size of samples to be collected.

Implementation of the disposal site monitoring program and all segments of the monitoring program specified in Special Condition 5 and Appendix A shall be the responsibility of the permittee.

5.1. Monitoring Program

The permittee shall conduct the monitoring program, defined in Appendix A, to determine the environmental impacts of ocean dumping of fish processing waste. If possible, monitoring cruises shall be scheduled within the first two weeks of each month to allow enough time for laboratory analysis and report writing in compliance with Special Condition 5.2. The permittee shall notify the ASEPA at least 48 hours before any scheduled monitoring activities.

5.2. Monitoring Reports

Monthly site monitoring reports shall be submitted to EPA Region IX, the ASEPA, NMFS, USFWS and WPRFMC with the 63-month reports as specified in Special Condition 3.3.2. The reports shall include: neatly compiled raw data for all sample analyses, quality assurance/quality control data, statistical analysis of sample variability between stations and within samples for each parameter, and a detailed discussion of the results.

5.3. Final Summary Report

5.3.1. A report shall be submitted to EPA Region IX, ASEPA, NMFS, USFWS and WPRFMC 60 days after the permit expires. This report shall summarize all of the data collected ~~during the waste material~~ to characterize fish processing wastes and the results of the dump site monitoring programs specified in this special permit.

5.3.2. At a minimum, the summary report shall contain the following sections:

- 5.3.2.1. Introduction (including a summary of previous ocean disposal activities),
- 5.3.2.2. Location of Sampling Sites,
- 5.3.2.3. Materials and Methods,
- 5.3.2.4. Results and Discussion (including comparisons and contrasts with previous MPRSA § 102 research and special permit data related to disposal of fish processing wastes off American Samoa),

5.3.2.5. Conclusions; and

5.3.2.6. References.

5.4. Quality Assurance/Quality Control

5.4.1. All appropriate phases of the monitoring, sampling, and laboratory analytical procedures shall comply with the EPA Region IX-specified protocols and references listed in Special Condition 3.1.2.

5.4.2. The qualifications of the on-site Principal Investigator in charge of the field monitoring operation at the dump site shall be submitted to EPA Region IX and the ASEPA for approval before the initial monitoring cruise. Notification of any change in this individual shall be submitted to EPA Region IX and ASEPA at least 7 days before the cruise is scheduled.

6. SPECIAL CONDITIONS - NOTICE TO REGULATORY AGENCIES

6.1. Notice of Sailing to the U.S. Coast Guard Liaison Office and the American Samoa Environmental Protection Agency

6.1.1. The waste transporter shall provide telephone notification of sailing to CGLO Pago Pago at 633-2299 and the ASEPA at 633-2304 during working hours (7:00 a.m. to 3:30 p.m.) no later than 24 hours before the estimated time of departure for the dump site defined in Special Condition 2.2. A record of contact with both agencies shall be reported with other information for each disposal trip.

6.1.2. The waste transporter shall immediately notify CGLO Pago Pago and the ASEPA upon any changes in the estimated time of departure greater than two hours.

6.1.3. Surveillance of activities at the dump site designated in Special Condition 2.2, may be accomplished by unannounced aerial overflights, a USCG shiprider and/or a ASEPA shiprider who will be on board the towing/conveyance vessel for the entire voyage. Within two hours after receipt of the initial notification the waste transporter will be advised whether or not a shiprider will be assigned to the waste transporter's disposal vessel.

6.1.4. The following information shall be provided to CGLO Pago Pago and the ASEPA in the notification of sailing defined above:

6.1.4.1. The time of departure,

6.1.4.2. Estimated time of arrival at the dump site,

6.1.4.3. Estimated time of departure from the dump site, and

6.1.4.4. Estimated time of return to port.

6.2. Reports and Correspondence

- 6.2.1. Two copies of all reports and related correspondence required by General Condition 1.10, Special Conditions 3.2, 3.3, 4.3, 4.5, 4.6, 4.7, 5.2, 5.3, ~~5.4~~, 6.1, and all other materials, including applications shall be submitted to EPA Region IX at the following address:

Office of Pacific Island and Native American Programs (E-4)
U.S. Environmental Protection Agency, Region IX
75 Hawthorne Street
San Francisco, California 94105-3901
Telephone (415) 744-1594

- 6.2.2. Two copies of all reports required by General Condition 1.10 and Special Conditions 4.5, 4.6, 4.7 and 6.1 sent to the U.S. Coast Guard shall be submitted to the following address:

Commanding Officer
U.S. Coast Guard Liaison Office
P.O. Box 249
Pago Pago, American Samoa 96799
Telephone (684) 633-2299

- 6.2.3. Three copies of all reports required by General Condition 1.10 and Special Conditions 3.2, 3.3, 4.3, 4.5, 4.6, 4.7, 5.2, 5.3, ~~5.4~~ and 6.1 sent to the American Samoa Environmental Protection Agency shall be submitted to the following address:

Director
American Samoa Environmental Protection Agency
Office of the Governor
Pago Pago, American Samoa 96799
Telephone (684) 633-2304

- 6.2.4. One copy of the all reports required by Special Conditions 3.3, 5.2 and 5.3 shall be sent to the USFWS, the NMFS and the WPRFMC at the following addresses:

Project Leader
Office of Environmental Services
U.S. Fish and Wildlife Service
300 Ala Moana Boulevard
P.O. Box 50167
Honolulu, Hawaii 96850

Western Pacific Program Officer
National Marine Fisheries Service
2570 Dole Street
Honolulu, Hawaii 96822-2396

Executive Director
Western Pacific Regional Fishery Management Council
1164 Bishop Street, Suite 1405
Honolulu, Hawaii 96813

Signed this _____ day of _____, 1993

For the Regional Administrator:

~~[To be signed when the Final Permit is prepared]~~

Harry Seraydarian, Director
Water Management Division
U.S. EPA, Region IX

APPENDIX A

SPECIAL OCEAN DUMPING PERMIT OD 93-01 OCEAN DUMP SITE MONITORING PLAN

7. MONITORING OF RECEIVING WATER

Monitoring of the receiving waters at the disposal site defined in Special Condition 2.2 shall be the responsibility of the permittee. Funding and cooperation for site monitoring may be accomplished through an agreement between permittee and other permittees authorized to use the disposal site. Any agreements negotiated between the permittee and other authorized permittees shall be the sole responsibility of the permittee named in this permit. EPA Region IX requires that a monitoring program be developed that complies with the special conditions defined below.

During each monitoring cruise, the ~~fish processing waste~~ disposal plume from the disposal vessel shall be sampled by taking discrete water samples for the measurement of parameters listed in Special Condition 7.2.4. Results of the first 63-month monitoring report will be evaluated by EPA Region IX to determine whether portions of Special Conditions 7 and/or 8 will be revised. The evaluation will be based on documented sampling results and recommendations by the permittee(s).

7.1. Location of Water Sampling Stations

- 7.1.1. On each sampling cruise, the latitude and longitude of all sampling stations shall be determined and plotted using an acceptable navigational system.
- 7.1.2. The Principal Investigator shall ensure that discrete water samples are taken at the locations marked in Figure 1.

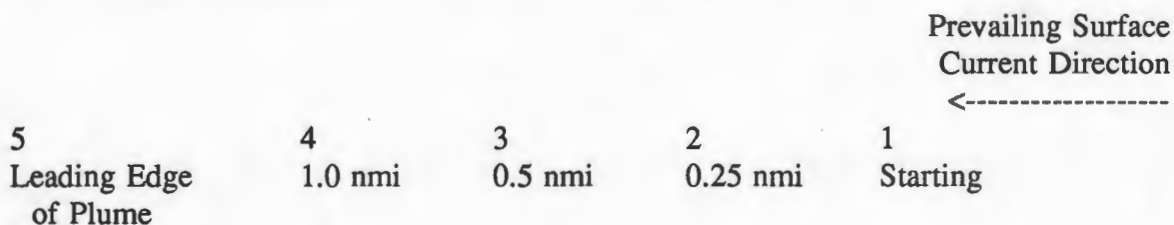


Figure 1. Orientation of Sample Stations (Top View) in the Middle of the Discharge Plume Visually Identified at the Time of Sampling.

- 7.1.3. The following stations, defined in Figure 1, shall be sampled on each sampling cruise:

- 7.1.4.1. Station 1 shall be the starting point of the dumping operation as determined in Special Condition 4.3.

- 7.1.4.2. Station 2 shall be 0.25 nautical miles (nmi) down-current from Station 1.
- 7.1.4.3. Station 3 shall be 0.5 nmi down-current from Station 1.
- 7.1.4.4. Station 4 shall be 1.0 nmi down-current from Station 1.
- 7.1.4.5. Station 5 shall be at the leading edge of the discharge plume, but within the plume.

7.1.4. The Principal Investigator shall ensure that each sampling station is positioned as close as possible to the middle of the discharge plume according to his/her best professional judgment.

7.2. Water Column Characteristics to Be Measured

- 7.2.1. Discrete water samples at Stations 1, 2, 3, 4, and 5 shall be taken at depths of 1, 3, and 10 meters from the surface at the middle of the plume visually identified by the Principal Investigator.
- 7.2.2. Surface water conditions shall be recorded at all stations including:
 - 7.2.2.1. Wind speed and direction;
 - 7.2.2.2. Current direction and wave height; and
 - 7.2.2.3. Observations of ~~waste~~ plume color (e.g., Forel-Ule color scale), odor, floating materials, grease, oil, scum, and foam.
- 7.2.3. Water samples shall be obtained using a self-closing 3-liter water sample device at each depth listed in 7.2.1.
- 7.2.4. Water column parameters analyzed from discrete samples taken at the depths listed in 7.2.1 shall include:

Table 4. Physical and Chemical Parameters to be Analyzed from Water Samples Taken at the Ocean Disposal Site.

Parameter ^a	Method Detection Limit
Total Suspended Solids	10.0 mg/L
Total Volatile Suspended Solids	10.0 mg/L
Oil and Grease	10.0 mg/L

Parameter ^a	Method Detection Limit
Total Phosphorus	1.0 mg/L
Total Nitrogen	1.0 mg/L
Ammonia	1.0 mg/L
pH	0.1 pH units

a = Samples should be acidified to pH <2 with sulfuric acid and refrigerated at 4°C until analysis.

- 7.2.5. Temperature measurements shall be taken at depths of 1, 3, and 10 meters at the starting point of the disposal operation, as defined in Special Condition 4.3.3.

7.3. Frequency of Sampling

- 7.3.1. Water samples shall be collected when dumping operations occur. Each station listed under Special Condition 7.1 shall be sampled once each month. These samples shall be used to characterize the receiving waters at the disposal site.
- 7.3.2. Control samples shall be taken at Station 1 before dumping activities.
- 7.3.3. Station 1 shall be sampled at a point within the plume immediately after discharge operations cease.
- 7.3.4. Stations 2 through 5 shall be sampled consecutively at distances indicated in Special Condition 7.1.4 to allow efficient sampling of the discharge plume. The time between each sample and the sampling location, beginning with the control sample and ending with the sample collected at the leading edge of the plume, shall be recorded.

7.4. Water Quality Criteria and Standards

- 7.4.1. The LPC of the liquid phase of the fish processing wastes material shall not be exceeded at the disposal site boundary four hours after disposal operations cease. The LPC, as defined at 40 C.F.R. §227.27, ~~is that concentration of the material which, after allowance for initial mixing as defined at 40 C.F.R. § 227.29, does~~ shall not exceed applicable American Samoa Oceanic Water Quality Standards (see Table 1). EPA Region IX and the ASEPA will evaluate the LPC based on EPA's Ocean Dumping Regulations and the concentration of parameters measured at the stations sampled during the tenure of this permit.

8. MONITORING OF BIOLOGICAL COMMUNITIES

8.1. Pelagic Resources

8.1.1. All sightings of fish, sea turtles, sea birds, or cetaceans near the disposal site shall be recorded including:

8.1.1.1. Time, location and bearing;

8.1.1.2. Species name(s); and

8.1.1.3. Approximate number of individuals.

Date	DAF Sludge Generated (gallons/day)		Cooker Juice Generated (gallons/day)		Press Liquor Generated (gallons/day)		Total Generated (gallons/day)		Volume Ocean Disposed (gallons/day)	
Monthly Totals										

NOTE: An asterisk (*) to the right of the fish processing waste volume signifies that a violation of the permit limit has occurred. The number of violations are shown in the Monthly Totals row.

Monthly quantities of alum (aluminum sulfate) and coagulant polymer added to the fish processing waste streams:

Aluminum sulfate: _____ pounds/month

Coagulant polymer: _____ pounds/month

APPENDIX B - REPORT FORM 2

Data Form for 3-Month Report on Waste Stream Analyses for StarKist Samoa MPRSA § 102 Permit #OD 93-01

Reporting Period: From _____ 19__ To _____ 19__

StarKist Samoa - Dissolved Air Flotation (DAF) Sludge

Month & Year	Total Solids (mg/L)		Total Volatile Solids (mg/L)		5-Day Biological Oxygen Demand (mg/L)		Oil and Grease (mg/L)		Total Phosphorus (mg/L)		Total Nitrogen (mg/L)		Ammonia (mg/L)		pH (pH units)		Density (g/mL)	
OD 93-01 Permit Limits	163,430		136,180		232,320		64,100		1,640		7,020		1,830		5.3 to 7.0		0.97 to 1.06	

StarKist Samoa - Cooker Juice

Month & Year	Total Solids (mg/L)		Total Volatile Solids (mg/L)		5-Day Biological Oxygen Demand (mg/L)		Oil and Grease (mg/L)		Total Phosphorus (mg/L)		Total Nitrogen (mg/L)		Ammonia (mg/L)		pH (pH units)		Density (g/mL)	
OD 93-01 Permit Limits	114,180		63,400		185,150		11,810		940		7,560		690		5.9 to 7.0		0.98 to 1.06	

StarKist Samoa - Press Liquor

Month & Year	Total Solids (mg/L)		Total Volatile Solids (mg/L)		5-Day Biological Oxygen Demand (mg/L)		Oil and Grease (mg/L)		Total Phosphorus (mg/L)		Total Nitrogen (mg/L)		Ammonia (mg/L)		pH (pH units)		Density (g/mL)	
OD 93-01 Permit Limits	327,870		292,280		310,790		112,080		3,160		20,360		1,390		5.8 to 7.0		0.99 to 1.08	

NOTE: An asterisk (*) next to the waste concentration signifies that a violation of the permit limit has occurred.

**Cumulative Yearly Data on Fish Processing Wastes Generated at StarKist Samoa's Plant and Disposed at the Ocean Site.
MPRSA §102 Special Permit #OD 93-01**

Reporting Period: From _____ 19__ To _____ 19__

Month & Year	DAF Sludge Generated (gallons/month)	Cooker Water Generated (gallons/month)	Press Liquor Generated (gallons/month)	Total Generated (gallons/month)	Aluminum sulfate (pounds/month)	Coagulant polymer (pounds/month)	Volume Ocean Disposed (gallons/month)
Cumulative Yearly Totals							

NOTE: A separate table shall be prepared for each calendar year.

OPINAP FAX TRANSMISSION
US ENVIRONMENTAL PROTECTION AGENCY REGION 9

DATE: 8/16/93 PAGES (incl. cover): 1

TO: Lelei Peau/Larry Ward
ORGANIZATION: AS Coastal Management Program
FAX NO: 684/633-4195 PHONE NO: 684/633-5155
SUBJECT: Coastal Consistency Determination for StarKist Samoa

FROM: Pat Young, American Samoa Program Manager
USEPA Region 9
Phone: (415) 744-1594 // FAX 415/744-1604

Lelei/Larry:

Thank you for faxing the coastal consistency determination for the Samoa Packing ocean disposal permit within such a short timeframe. Is a similar determination being sent for StarKist Samoa? (Each cannery is being issued a separate permit; StarKist did send its request a few days after Samoa Packing.) We plan to issue the permits this week and need a determination for StarKist before issuing the permit.

Thanks for your help in this matter.

Pat



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

August 3, 1993

Norman Wei
Senior Manager
Environmental Engineering
StarKist Seafoods
StarKist Foods Inc.
1 River Front Place
Newport, KY 41071

Re: Need for Consistency Determination by American Samoa Coastal Management Program for Ocean Disposal Permit Issuance

Dear Norman:

Prior to U.S. EPA's issuance of a new ocean disposal permit for VCS Samoa Packing Company, our agency must receive a determination from the American Samoa Coastal Management Program (ASCMP) that the proposed permitted activity is consistent with the Coastal Zone Management Act. Therefore, you should request the ASCMP that such a review and determination be undertaken for StarKist Samoa's new permit.

A similar request was made by CH2MHill on the canneries' behalf for their NPDES permit. A copy of this request is attached for your information. I suggest you address your request to Larry Ward, who will be Acting Director of the ASCMP while Lelei Peau is off-island during the next two weeks. I spoke to Lelei today to alert him that this request is forthcoming and emphasized to him the need for a timely response. Your office should submit the determination to USEPA or request that ASCMP copy us on their response.

Should you have any questions regarding this matter, please contact me at (415) 744-1594, or Pat Cotter at (415) 744-1163.

Sincerely,

A handwritten signature in cursive script that reads "Pat Young".

Pat Young
American Samoa Program Manager
Office of Pacific Island and
Native American Programs (E-4)

Enclosure

cc: Sheila Wiegman, ASEPA



Engineers
Planners
Economists
Scientists

July 15, 1991

PDX30702.PA.PR

American Samoa Coastal Management Program
Economic Development Planning Office
American Samoa Government
Pago Pago, American Samoa 96799



Attention: Lydia Faleafine, Director

Subject: Joint Cannery Permitting Section 307 Consistency

Dear Ms Faleafine,

Under Section 307 of the Coastal Zone Management Act (CZMA), non-Federal activities that are conducted under Federal licenses or permits are subject to review by the American Samoa Government to insure consistency with the CZMA. StarKist Samoa and Samoa Packing propose to construct a joint outfall discharging approximately 7000 feet seaward of the present individual outfalls. A summary project description is enclosed with this letter.

This letter is submitted to the American Samoa Coastal Management Program on behalf of StarKist Samoa, Inc. and Samoa Packing Company, Inc. This letter is a request for certification that the proposed activity complies with the ASCMP and will be conducted in a manner consistent with such program. A set of findings documenting that the proposed activity is consistent with the ASCMP is attached to this letter as Table 1. Outfall construction impacts will be minor and temporary. The long term impact of the joint outfall project will be beneficial and provide an improvement in water quality throughout Pago Pago Harbor. An environmental impact assessment is being prepared for this project.

The tuna canneries understand that the Development Planning Office (DPO) will circulate this consistency certification among Territorial and local government agencies that may be affected by the proposed activity. A timely response to the request for certification of compliance would be appreciated since the applicants are operating under a deadline.

Thank you for your assistance in this matter. If you have any questions concerning the proposed outfall, please contact Steve Costa, who is managing the joint cannery outfall permitting activities, at (415) 652-2426.

Sincerely,

CH2M HILL

Beth Hussey, Environmental Sciences Department

Enclosures (1)

cc: Lelei Peau/ASCMP

Norman Wei/StarKist Seafood Company

James Cox/Samoa Packing Company

Andrew Resnick/Makai Ocean Engineering

Table 1. Summary of Joint Cannery Outfall Project Compliance with the American Samoa Coastal Management Program (ASCMP) Objectives. NA = Not Applicable

OBJECTIVE	COMPLIANCE
a. Territorial Administration	NA (NPDES permit is required)
b. Village Development	NA
c. Shoreline Development	No development on the shoreline is proposed, and the project does not encourage new development.
d. Coastal Hazard	No development is planned above water, so that flooding and shoreline erosion will not a consideration.
e. Fisheries Development	NA
f. Slope Erosion	No development on land is proposed. Construction staging and mobilization will have minimal soil disturbance.
g. Major Facility Siting	The outfall is considered a water dependent, major facility. The location for the outfall was chosen to comply with water quality regulations and to avoid impacting coastal resources in the area.
h. Agricultural Development	NA
i. Reef Protection	The project will benefit the reefs by improving water quality in Pago Pago Harbor. The outfall pipeline route was chosen to avoid impacting the coral reefs in Pago Pago Harbor.
j. Recreation/Shoreline Access	Construction and mobilization will temporarily impact a portion of Pago Pago Park. Improved water quality will have a long term, permanent beneficial effect on water dependent recreational activities.
k. Water Quality	Extending the pipeline from the inner to middle Pago Pago Harbor will improve water quality throughout the harbor.
l. Marine Resources	The project will have a beneficial impact on marine life by improving the water quality in the Pago Pago Harbor. (Section 7 coordination in progress)
m. Drinking Water Quality	NA
n. Unique Areas	Pago Pago Harbor is a unique resource. The project will benefit the area by improving water quality in the harbor.

Table 1. Summary of Joint Cannery Outfall Project (continued)

OBJECTIVE	COMPLIANCE
o. Archaeological /Cultural/ Historic Resources	No archaeological, cultural or historic resources will be impacted by the outfall construction. (SHPO Coordination in progress)
p. Special Areas	Pago Pago Harbor is considered a Special Area by ASCMP. Construction of the outfall is a water dependent activity that is designed to improve water quality in the harbor.

*** ACTIVITY REPORT ***

TRANSMISSION OK

TX/RX NO.	8016
CONNECTION TEL	918098314455
CONNECTION ID	
START TIME	08/04 07:06
USAGE TIME	03'11
PAGES	5
RESULT	OK

FAX COVER LETTER

Copy to Cotten

Date July 22, 1993

S Mr. Pat Young
E
N U.S. EPA
D

F Norman Wei
R
O StarKist Seafood Co.
M

T
O

Transmission #

Fax # 415-744-1604

Fax # 809-831-4455

Subject

Pages in this transmission 4 (including cover sheet). If you have any problem with this transmission please call 809-834-7675.

BY FAX to ASCMP (684) 633-4195

August 6, 1993

American Samoa Coastal Management Program
American Samoa Government
Pago Pago, AS 96799

Attention: Mr. Larry Ward, Acting Director

Dear Mr. Ward,

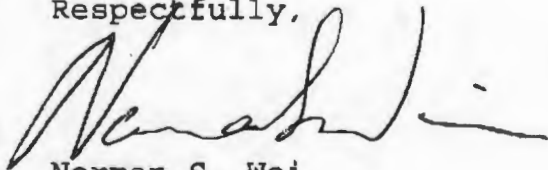
Under Section 307 of the Coastal Zone Management Act, non-Federal activities that are conducted under Federal licenses or permits are subject to review by the American Samoa Government to ensure consistency with the CZMA. StarKist Samoa proposes to dispose of some of its cannery wastes at a US EPA designated dump site located approximately five (5) nautical miles offshore.

This letter is submitted to the American Samoa Government on behalf of StarKist Samoa, Inc. requesting certification that the proposed activity complies with the ASCMP. A set of findings documenting that the proposed activity is consistent with the ASCMP is attached to this letter as Table 1. The long term impact of the project is immediate improvement in the water quality of Pago Pago Harbor, a unique resource in American Samoa. An environmental impact statement for the proposed activity had been prepared and approved by the US EPA in 1990.

In view of the fact that the proposed activity is critical to the day-to-day operation of the cannery, a timely response to this request for certification would be greatly appreciated.

Thank you for your assistance in this matter. Feel free to call me at (606) 655-5842 if you have any questions concerning this matter. Please copy Ms. Pat Young of US EPA Region 9 on your response. Thanks again for your help.

Respectfully,



Norman S. Wei
Senior Manager
Environmental Engineering
STARKIST FOODS INC.

Phone: (606) 655-5842
Fax: (606) 655-5610

cc: Pat Young, USEPA
Sheila Wiegman, ASEPA

Table 1: Determination of Compliance with Objectives of ASCMP

<u>OBJECTIVE</u>	<u>COMPLIANCE</u>
a. Territorial Administration	NA (not applicable)
b. Village Development	NA
c. Shoreline Development	No development on the shore line is proposed, and the project does not encourage new development
d. Coastal hazard	No flooding or shoreline erosion is anticipated
e. Fisheries development	No impact on the coastal region
f. Slope Erosion	No development on land is proposed
g. Major facility siting	NA
h. Agricultural development	NA
i. Reef protection	There is no known adverse impact on the reef since the EPA designated dump site is over 5 nautical miles from shore
j. Recreation/shoreline access	Does not affect access
k. Water quality	Disposal of wastes at the EPA designated dump site will improve water quality in the Pago Pago Harbor
l. Marine Resources	The improved water quality in the Harbor will have a beneficial impact on marine life
m. Drinking water quality	NA
n. Unique areas	Pago Pago Harbor is a unique resource. This project will benefit the area by improving water quality in the harbor
o. Archaeological/cultural and historical resources	None will be affected

p. Special areas

Pago Pago Harbor is considered a special area by ASCMP. Disposal of wastes at the EPA designated dump site will improve water quality in the harbor.



Engineers
Planners
Economists
Scientists

July 15, 1991

PDX30702.PA.PR

American Samoa Coastal Management Program
Economic Development Planning Office
American Samoa Government
Pago Pago, American Samoa 96799

Attention: Lydia Faleafine, Director

Subject: Joint Cannery Permitting Section 307 Consistency

Dear Ms Faleafine,

Under Section 307 of the Coastal Zone Management Act (CZMA), non-Federal activities that are conducted under Federal licenses or permits are subject to review by the American Samoa Government to insure consistency with the CZMA. StarKist Samoa and Samoa Packing propose to construct a joint outfall discharging approximately 7000 feet seaward of the present individual outfalls. A summary project description is enclosed with this letter.

This letter is submitted to the American Samoa Coastal Management Program on behalf of StarKist Samoa, Inc. and Samoa Packing Company, Inc. This letter is a request for certification that the proposed activity complies with the ASCMP and will be conducted in a manner consistent with such program. A set of findings documenting that the proposed activity is consistent with the ASCMP is attached to this letter as Table 1. Outfall construction impacts will be minor and temporary. The long term impact of the joint outfall project will be beneficial and provide an improvement in water quality throughout Pago Pago Harbor. An environmental impact assessment is being prepared for this project.

The tuna canneries understand that the Development Planning Office (DPO) will circulate this consistency certification among Territorial and local government agencies that may be affected by the proposed activity. A timely response to the request for certification of compliance would be appreciated since the applicants are operating under a deadline.

Thank you for your assistance in this matter. If you have any questions concerning the proposed outfall, please contact Steve Costa, who is managing the joint cannery outfall permitting activities, at (415) 652-2426.

Sincerely,

CH2M HILL

Beth Hussey, Environmental Sciences Department

Enclosures (1)

cc: Lelei Peau/ASCMP

Norman Wei/StarKist Seafood Company

James Cox/Samoa Packing Company

Andrew Resnick/Makai Ocean Engineering



Table 1. Summary of Joint Cannery Outfall Project Compliance with the American Samoa Coastal Management Program (ASCMP) Objectives. NA = Not Applicable

OBJECTIVE	COMPLIANCE
a. Territorial Administration	NA (NPDES permit is required)
b. Village Development	NA
c. Shoreline Development	No development on the shoreline is proposed, and the project does not encourage new development.
d. Coastal Hazard	No development is planned above water, so that flooding and shoreline erosion will not a consideration.
e. Fisheries Development	NA
f. Slope Erosion	No development on land is proposed. Construction staging and mobilization will have minimal soil disturbance.
g. Major Facility Siting	The outfall is considered a water dependent, major facility. The location for the outfall was chosen to comply with water quality regulations and to avoid impacting coastal resources in the area.
h. Agricultural Development	NA
i. Reef Protection	The project will benefit the reefs by improving water quality in Pago Pago Harbor. The outfall pipeline route was chosen to avoid impacting the coral reefs in Pago Pago Harbor.
j. Recreation/Shoreline Access	Construction and mobilization will temporarily impact a portion of Pago Pago Park. Improved water quality will have a long term, permanent beneficial effect on water dependent recreational activities.
k. Water Quality	Extending the pipeline from the inner to middle Pago Pago Harbor will improve water quality throughout the harbor.
l. Marine Resources	The project will have a beneficial impact on marine life by improving the water quality in the Pago Pago Harbor. (Section 7 coordination in progress)
m. Drinking Water Quality	NA
n. Unique Areas	Pago Pago Harbor is a unique resource. The project will benefit the area by improving water quality in the harbor.

Table 1. Summary of Joint Cannery Outfall Project (continued)

OBJECTIVE	COMPLIANCE
o. Archaeological /Cultural/ Historic Resources	No archaeological, cultural or historic resources will be impacted by the outfall construction. (SHPO Coordination in progress)
p. Special Areas	Pago Pago Harbor is considered a Special Area by ASCMP. Construction of the outfall is a water dependent activity that is designed to improve water quality in the harbor.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, Ca. 94105

Norman Wei, Senior Manager
Environmental Engineering
StarKist Seafoods, Inc.
180 East Ocean Blvd.
Long Beach, CA 90802

JUL 30 1993

**Subject: Administrative Extension of MPRSA Section 102 Ocean Dumping Permit,
#OD 90-01**

Dear Mr. Wei:

EPA Region IX is evaluating new information and requests presented by StarKist Seafoods on behalf of StarKist Samoa for a Marine Protection, Research and Sanctuaries Act (MPRSA) Section 102 special ocean dumping permit. We are evaluating proposed changes in fish processing waste stream volumes and potential waste loadings at the disposal site off American Samoa based on information submitted by your company on July 28, 1993.

Due to the complexity of these evaluations and the approaching expiration date of MPRSA Section 102 special permit #OD 90-01, EPA Region IX has determined that we will administratively extend MPRSA Section 102 special permit #OD 90-01. The administrative extension is made according to procedures defined in the Administrative Procedures Act (5 U.S.C. § 558). We anticipate that a decision on the new permit will be made within 30 days.

EPA Region IX will inform you as soon as possible about our decision for the final permit. If you have any questions on the administrative extension or your MPRSA Section 102 permit (OD 90-01) requirements, please call me at (415) 744-2125, or you may call Patrick Cotter at (415) 744-1163 or Patricia Young at (415) 744-1594.

Sincerely,

Harry Seraydarian, Director
Water Management Division

cc: Tony Tausaga, ASEPA, Pago Pago, American Samoa
U.S. Coast Guard Liaison Officer, Pago Pago, American Samoa
Maurice Callaghan, StarKist Samoa, Pago Pago, American Samoa
Michael Burns, Blue North Fisheries, Seattle, WA

Post-It™ brand fax transmittal memo 7671		# of pages > 3
To	Pat Carter	
Co.	US EPA (W-7-1)	
Dept.	StarKist	
Fax #	415-744-1072	
From	Norman Wei	
Co.	StarKist	
Phone #		
Fax #		

FAX to US EPA - Hard Copy to follow

30 June, 1993

Ms. Janet Y. Hashimoto, Chief
Protection Section (W-7-1)
Environmental Protection Agency
X
Pennebaker Street
San Francisco, CA 94105-3901

Comments
to
Draft

Note: Draft permit
in General file

RE: Comments on StarKist Samoa Inc.'s 8
(OD 93-01)

Dear Ms. Hashimoto:

This letter is prepared in response following the publication of StarKist Dumping Permit by the U.S. Environmental Protection Agency in June 1993. StarKist Samoa appreciates the efforts of your Agency in preparing this draft permit which is critical to the operation of our cannery in American Samoa. I would like to make the following comments on behalf of StarKist Samoa Inc.:

- #4 1. General Condition 1.2 of the Draft Permit states that "during disposal operations when the permittee's fish processing wastes are combined with similar fish processing wastes from other permittees authorized to use the ocean disposal site defined in Special Condition 2.2, all companies shall be held individually liable under §105 of the Act (33 U.S.C. §1415) if a permit violation occurs". StarKist Samoa wishes to point out to the agency that it is the intent of this cannery to keep separate at all times its own fish processing wastes from those of the other permittee's. Each cannery will have its own designated holding tanks onboard the vessel. This being the case, StarKist requests that the government remove this provision on holding all parties individually liable for violations of a singular party. Each party should be held liable for its own processing wastes.
- that type of permit violation? limits - yes there - no pipe? or 2?
- #5 2. Special Condition 2.3.1 shows a "maximum volume authorized for disposal" of 200,000 gallons a day which comprises 60,000 gallons of DAF sludge, 100,000 gallons of cooker juice, and 40,000 gallons of press liquor. StarKist Samoa requests that the daily maximum allowable mix be modified to 30,000 gallons of DAF sludge, 70,000 gallons of cooker juice and 100,000 of press liquor. These numbers more closely reflect the actual production rates at the cannery.

Does data reflect this?

What did permit application request?

(No until results)
in - press liquor
strong stuff!

Post-It™ brand fax transmittal memo 7671		# of pages	3	
To	Pat Carter		From	Norman Wei
Co.	US EPA (W-7-1)		Co.	StarKist
Dept.			Phone #	
Fax #	415-744-1072		Fax #	

FAX to US EPA - Hard Copy to follow

30 June, 1993

Ms. Janet Y. Hashimoto, Chief
Marine Protection Section (W-7-1)
US Environmental Protection Agency
Region IX
75 Hawthorne Street
San Francisco, CA 94105-3901

RE: Comments on StarKist Samoa Inc.'s Special Ocean Dumping Permit (OD 93-01)

Dear Ms. Hashimoto:

This letter is prepared in response to the call for comments following the publication of StarKist Samoa's draft Special Ocean Dumping Permit by the U.S. Environmental Protection Agency in early June 1993. StarKist Samoa appreciates the efforts put forth by your Agency in preparing this draft permit which is critical to the operation of our cannery in American Samoa. I would like to make the following comments on behalf of StarKist Samoa Inc.:

- #4 1. General Condition 1.2 of the Draft Permit states that "during disposal operations when the permittee's fish processing wastes are combined with similar fish processing wastes from other permittees authorized to use the ocean disposal site defined in Special Condition 2.2, all companies shall be held individually liable under §105 of the Act (33 U.S.C. §1415) if a permit violation occurs". StarKist Samoa wishes to point out to the agency that it is the intent of this cannery to keep separate at all times its own fish processing wastes from those of the other permittee's. Each cannery will have its own designated holding tanks onboard the vessel. This being the case, StarKist requests that the government remove this provision on holding all parties individually liable for violations of a singular party. Each party should be held liable for its own processing wastes.

- #5 2. Special Condition 2.3.1 shows a "maximum volume authorized for disposal" of 200,000 gallons a day which comprises 60,000 gallons of DAF sludge, 100,000 gallons of cooker juice, and 40,000 gallons of press liquor. StarKist Samoa requests that the daily maximum allowable mix be modified to 30,000 gallons of DAF sludge, 70,000 gallons of cooker juice and 100,000 of press liquor. These numbers more closely reflect the actual production rates at the cannery.

Does data reflect this?

what did permit application request?

(NO until results)
in - press liquor
strong stuff

what type of
permit violations?
limits - yes
others - no
1 pipe? or 2?

Volume

3. ^{#6} Special Condition 3.3.1.1 requires monthly monitoring of each of the fish processing waste streams. StarKist Samoa requests that in place of monitoring each waste stream separately onshore, the actual volume of wastes disposed of at the designated ocean dump site by each cannery from the vessel be recorded daily and reported to the agencies on a monthly basis. The reason for proposing this change is that the individual waste streams are commingled in a common 200,000-gallon storage tank onshore prior to being pumped to the disposal vessel. Measuring the individual volume of each stream going into the storage tank onshore would not necessarily produce the desired information on the volume of material actually disposed of at the dump site.

*did the
work
done by
(will be)**Modify to
some
maybe reflect
both?**both?*

4. ^{#7} Special Condition 3.3.1.2 requires monthly analysis of each waste stream onshore. StarKist requests that the composite mixture in the holding tanks on the vessel for each cannery be analyzed instead. The reason is that analyses of the composite mixture in the holding tanks onboard the vessel would provide a better representation of the characteristics of the wastes that are to be disposed of at the designated dump site.

*do we need
new limit
there?*

5. ^{#8} Special Condition 3.3.5 of the Draft Permit requires the Permittee to conduct bioassay tests on the fish processing wastes and to reevaluate the disposal site model. StarKist Samoa requests that the bioassay tests be deleted from its permit since the characteristics of StarKist Samoa's individual waste streams have not changed materially over the past three years. If the agency determines that the bioassay tests are required, StarKist requests that testing be deferred until 18 months after the effective date of the Permit to permit review of at least a year's worth of data based on the composite analyses of the actual wastes that are disposed of at the dump site.

*permit says
w/in 1 yr
to
re-evaluate*

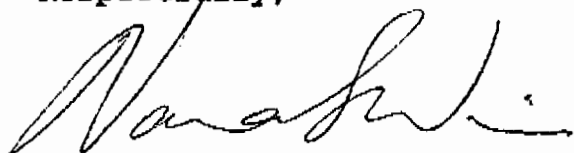
6. ^{#9} With respect to the computer modeling requirement cited above, the canneries commissioned a computer modeling study in March 1990 at the request of US EPA. The purpose of that modeling study was to determine a range of different dumping vessel sizes that would be acceptable to the Agency. According to the findings of the 1990 computer study, vessels that fall within the following ranges are acceptable: length between 80.9 and 40.5 meters, beam width between 15.5 and 7.8 meters and a draft between 4.3 and 2.2 meters.

*w/ new bioassay
need to run
for LAC*

The dimensions of the FV TASMAN SEA are as follows: Length 50.29 meters, beam width 11.58 meters and fully loaded draft 3.96 meters. Since the physical dimensions of the new vessel fall well within the range of vessels modelled in the computer study of March 1990, StarKist Samoa requests that the requirement for reevaluation of the computer model be deleted.

Thank you for providing StarKist Samoa the opportunity to submit the comments set forth above.

Respectfully,

A handwritten signature in black ink, appearing to read 'Norman S. Wei', written in a cursive style.

Norman S. Wei
Senior Manager, Environmental Engineering

cc: M. Callaghan
J. Ciko, Jr.

D:\wei\samoa\dump\comments

A.

* Navigational equipment - did get
plotted on land - know what

equipment is;

3 11/30/93
2/28/93
5/31/93
suspension phase

B.

Barge waste

① Bioassay of each cannery's waste stream

② Model using composite of both wastes - after 18 months from
permit date

≡ On ^{monthly} monitoring cruise, take sample of waste in each
hold for entire permit \Rightarrow data to use for
new permit limits of total waste (act individ
waste stream)

→
* sign chain by next Tuesday
Harry sign by Friday



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

September 3, 1993

Nancy Daschbach
Coordinator
Fagetele Bay National Marine Sanctuary
P.O. Box 4318
Pago Pago, American Samoa 96799

Dear Ms. Daschbach:

This letter is in response to your memo of July 19, 1993 to Janet Hashimoto, Chief of the Marine Protection Section, in which you expressed the concern of the National Marine Sanctuary Program with regards to the ocean disposal permits being issued to the tuna canneries located in American Samoa. Unfortunately, your memo did not reach this office until after we mailed out the final permits and response to comments to the draft permits. However, we appreciate your concern and comments and will try to address them in this letter. Copies of the final permits and response to comments are enclosed for your information.

Your major concern is that under a certain combination of ocean current and wind conditions, the wastes disposed at the designated ocean disposal site could drift into the sanctuary. The present site was selected after an Environmental Impact Statement (EIS) was completed in 1989, which addressed potential impacts of the disposal operations to the environment, at a site 2.55 nautical miles from shore. Fagetele Bay and Pala Lagoon were two areas mentioned as having special biological significance. The EIS stated that the predominant longshore current flowing southwest, would generally keep the waste plume from reaching shore. At the preferred disposal site, 5.45 nautical miles offshore, the plume would not be expected to reach the longshore current, and thus not expected to reach the shore. The preferred site was ultimately designated as the disposal site as an extra measure of protection for possible impacts to the coastal environment.

Prior to issuing the ocean disposal permits to the canneries in 1990, USEPA required them to run a computer model simulating the fate of the discharged fish processing wastes within the disposal site. Based on the modeling results, the final permits required disposal operations to be conducted in a manner designed to utilize the maximum area of the site, taking into account current direction and specifying discharge rates of wastes based upon season.

The new permits, which became effective September 1, 1993, require the canneries to conduct bioassay tests to determine the toxicity of their fish processing wastes, and re-run the computer model utilizing this new data. In general, the permits also impose

more stringent limits on the disposed waste material constituents than in the previous permits.

The data collected during the initial three-year permit term showed that water quality parameters returned to ambient conditions at the boundary of the disposal site following the four-hour period of initial mixing. While we have received a few reports from the American Samoa Environmental Protection Agency regarding substances washed up on coasts, these substances have never been positively identified as originating from the ocean disposal operations. When your program implements its water quality monitoring program, we would appreciate receiving data which indicate any impact of the disposal operations on the sanctuary. Such data will be taken into consideration for future permitting actions.

Copies of this letter are being forwarded to the canneries' representatives and the American Samoa Environmental Protection Agency for their information.

Again, thank you for your comments. Should you have any questions, please contact Pat Young, American Samoa Program Manager, at 415/744-1594.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian Ross".

Brian Ross
Acting Leader, Dredging and Sediment
Management Team (W-7-3)

Enclosures

cc: James Cox, Van Camp Seafoods, Inc.
Norman Wei, StarKist Foods
Michael Macready, VCS Samoa Packing Company
Maurice Callaghan, StarKist Samoa, Inc.
Tony Tausaga, American Samoa EPA
Sheila Wiegman, American Samoa EPA



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE
OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT
Washington, D.C. 20235

8/30 rcd G2

Fagatele Bay National Marine Sanctuary
P.O. Box 4318
Pago Pago, American Samoa 96799

July 19, 1993

To: Janet Y. Hasimoto, Chief, Marine Protection Section, USEPA

From: Nancy Daschbach, Coordinator, FBNMS

Re: Cannery Ocean Dumping Permits

The National Marine Sanctuary Program would like to express its concern with the ocean dumping permits that may be issued to the two canneries in American Samoa. It has come to our attention that the location of the ocean dump site could allow, under a combination of ocean current and wind conditions, the waste products to drift into the Sanctuary. Under Sanctuary regulations contained in 15 CFR 941.8(a)(3), "No person shall litter, deposit, or discharge any materials or substances of any kind into the waters of the Sanctuary."

To date, we have no way to monitor discharges that may be entering the site. However, we are planning to initiate a water quality monitoring program that could detect such disturbances. We realize that the location of the dumpsite is several miles southeast from the nearest point of the Sanctuary, however, given that the prevailing ocean current is to the west and, for at least half of the year, the prevailing winds are from the southeast, you can appreciate our desire to bring this to your attention.

Although it may be too late for these comments to be incorporated into this permit process, we would like future permits to call attention to the location and vulnerability of this protected area and to alert the canneries to the possibility of legal action should their discharge drift into the Sanctuary. Penalties for the commission of prohibited acts range up to \$100,000 per day per violation.

For further information, please feel free to write or to call me at (684) 633-7354.

cc: Jacqueline Rousseau, SRD Pacific Region
Sheila Wiegman, ASEPA





StarKist Samoa, Inc.

Recd 12/11/92
Copy to Pat Cotton
Copy to Mike
Check to finance

P.O. BOX 368 PAGO PAGO, AMERICAN SAMOA 96799

(684) 644-4231
FAX NO: (684) 644-2440

8 December, 1992

Application

The Regional Administrator
US Environmental Protection Agency
75 Hawthorne Street
San Francisco, CA 94105-3901

Dear Sir:

Subject: Application for Ocean Dumping Permit

Pursuant to Section 102 of the Marine Protection, Research, and Sanctuaries Act (MPRSA) of 1972, as amended, StarKist Samoa Inc. hereby submits its application for an ocean dumping permit:

- (a) **Name and address of applicant.** StarKist Samoa Inc. P.O.Box 368, Pago Pago, American Samoa 96799.
- (b) **Proposed name of transporter.** Blue North Fisheries, 1130 NW 45th, Seattle, WA 98107.

Name of Producer. StarKist Samoa, Inc.

- (c) **Description of material to be dumped.** Tuna sludge from the Dissolved Air Flotation unit, cooker juice and press liquor. Extensive data on the characteristics of each waste stream are on file at US EPA Region 9 office.
- (d) **Quantity of material to be dumped.** Two hundred thousand (200,000) U.S. gallons per day.
- (e) **Proposed dates and times of disposal.** Material is generated whenever StarKist Samoa Inc. is in operation. Daily dumping of up to 200,000 gallons is required.
- (f) **Proposed dump site.** EPA designated dump site described as a circular area with a 1.5 nautical mile radius, centered at 14° 24.00' South latitude by 170° 38.30' West longitude.

- (g) **Proposed method of release.** The proposed method of release and control would be the same as those delineated in the current MPRSA Ocean Dumping Permit OD 90-01 Special.
- (h) **Process or activities giving rise to the production of the material.** The material is produced during the tuna canning process in American Samoa.
- (i) **Previous method of disposal.** The material has been ocean dumped at the EPA designated dump site since July 31, 1990 under StarKist Samoa Inc.'s existing MPRSA Ocean Dumping Permit OD 90-01 Special.
- (j) **Need for the proposed dumping.** The need for ocean dumping in American Samoa has been demonstrated in EPA Region 9's *Final Environmental Impact Statement for the Designation of an Ocean Disposal Site off Tutuila Island, American Samoa for Fish Processing Wastes, February 24, 1989*. Without an ocean dumping permit, the canneries would not be able to operate in American Samoa and the resultant economic impact on the local economy would be severe.
- (k) **Impact of ocean dumping.** The environmental impact of ocean dumping in American Samoa has been demonstrated in EPA Region 9's *Final Environmental Impact Statement for the Designation of an Ocean Disposal Site off Tutuila Island, American Samoa for Fish Processing Wastes, February 24, 1989*. Data are collected monthly at the dump site on the impact of the ocean dumping operation.

There has been no documented adverse impact of this operation since its inception with the designated site some 5.45 nautical miles from shore. Even in the pre-1988 period when the canneries were ocean dumping under the authority of an US EPA research permit at a designated site that was two nautical miles closer to shore, there were no documented evidence of sludge being washed onshore. Such conclusion was reached in US EPA's *Final Environmental Impact Statement for the Designation of an Ocean Disposal Site off Tutuila Island, American Samoa for Fish Processing Wastes, February 24, 1989 (page V-72, response to comment 10a-9)*.

StarKist Samoa Inc. is proposing to contract with Blue North Fisheries to operate an ocean dumping vessel named *The Champion*. Specifications of this vessel are attached. Please note that the physical dimensions of this vessel falls within the range of vessels modelled in the computer study of March 1990.

The Regional Administrator
U.S. Environmental Protection Agency
8 December 1992
Page 3

An experienced crew will be used in American Samoa. According to Blue North Fisheries, the company has considerable experience in ocean dumping. The company owned and operated a sludge dumping vessel under contract with Kodiak Reduction Inc. from September 1989 through March 1992 in Kodiak, Alaska. The contract was completed without accidents or mishaps.

Enclosed is a check for the amount of \$1,000 to cover the processing fee.

If there are any questions concerning this permit application, please contact the undersign or Norman Wei of our corporate office at (310) 590-3873.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Callaghan', with a long horizontal flourish extending to the right.

Maurice W. Callaghan
General Manager

Attachment

D:\wei\samoa\dump\apply

NOV 18 '92 11:47...

BLUE NO. FISHERIES

635 P07

DIMENSIONS

Length: 165 ft.
Width: 38 ft.
Depth: 14 ft.

Built: Greenville, Mississippi
Year: 1977
Steel Hull - all welded
Completely refurbished in July 1989
Clear Deck Space:
109.5 ft by 27.25 ft.

CAPACITIES

Liquid Mud: 1160 bbls.
Dry Bulk: 3000 cu. ft.
Fuel: 50,000 gals. approx.

Water & Ballast: Approx. 100,000 gals.
Calcium Chloride Tanks: 18,791 gals.
Deck Cargo: 438 L.T.

MACHINERY

Main Engines: (2) Caterpillar D398D
1700 HP @ 1225 RPM
Completely Rebuilt July 1989

Generators: (2) 99 KW 225/450 V AC
GM 8V71

Main Gears: (2) Caterpillar 7261
3.84:1
Completely Rebuilt July 1989

Props: (2) 75" x 50" 4 blade stainless

Shaft: (2) 6.5"

Note: Keel cooled, air start

Steering: Electro-hydraulic

Fire pump: 3" 15 HP Gould

CERTIFICATION

Flag: United States of American
Gross Tonnage: 279.8
ABS - Load Line Only

USCG - Ocean Service OSV

ACCOMMODATIONS

Quarters for 14 persons with captain's and engineer's staterooms.
Central air.
Fully equipped galley

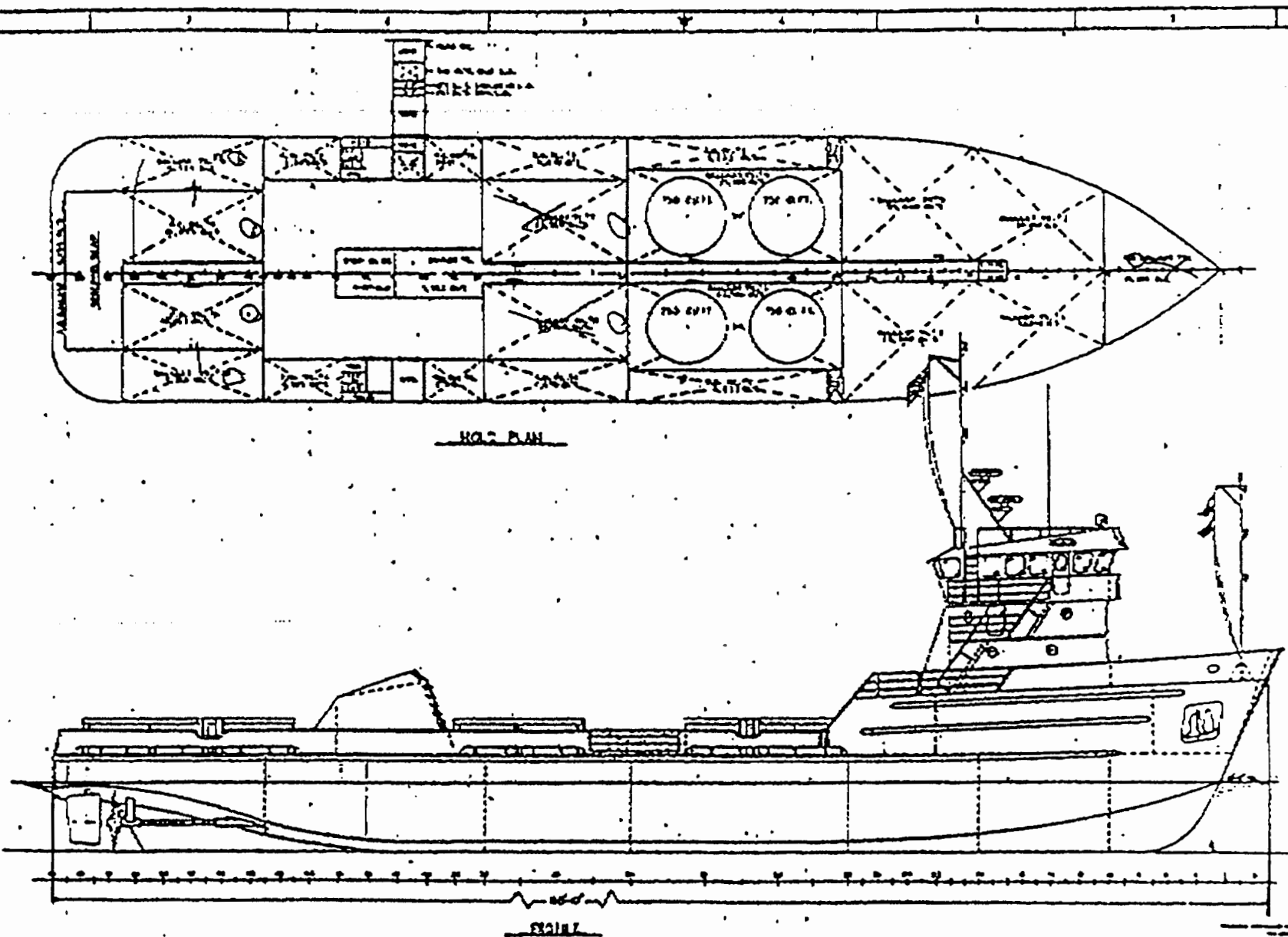
ELECTRONICS

Radar, (2) VHF, SSB, Loran, Fathometer.

NOV 18 '92 11:47

BLUE NO. FISHERIES

635 P08



NO. 1	NO. 2	NO. 3	NO. 4	NO. 5	NO. 6	NO. 7	NO. 8	NO. 9	NO. 10	NO. 11	NO. 12	NO. 13	NO. 14	NO. 15	NO. 16	NO. 17	NO. 18	NO. 19	NO. 20	NO. 21	NO. 22	NO. 23	NO. 24	NO. 25	NO. 26	NO. 27	NO. 28	NO. 29	NO. 30	NO. 31	NO. 32	NO. 33	NO. 34	NO. 35	NO. 36	NO. 37	NO. 38	NO. 39	NO. 40	NO. 41	NO. 42	NO. 43	NO. 44	NO. 45	NO. 46	NO. 47	NO. 48	NO. 49	NO. 50	NO. 51	NO. 52	NO. 53	NO. 54	NO. 55	NO. 56	NO. 57	NO. 58	NO. 59	NO. 60	NO. 61	NO. 62	NO. 63	NO. 64	NO. 65	NO. 66	NO. 67	NO. 68	NO. 69	NO. 70	NO. 71	NO. 72	NO. 73	NO. 74	NO. 75	NO. 76	NO. 77	NO. 78	NO. 79	NO. 80	NO. 81	NO. 82	NO. 83	NO. 84	NO. 85	NO. 86	NO. 87	NO. 88	NO. 89	NO. 90	NO. 91	NO. 92	NO. 93	NO. 94	NO. 95	NO. 96	NO. 97	NO. 98	NO. 99	NO. 100
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Star-Kist Samco., Inc.

PAGO PAGO • TUTUILA ISLAND • AMERICAN SAMOA

AMERICAN SAMOA BRANCH
BANK OF HAWAII
PAGO PAGO, TUTUILA
AMERICAN SAMOA 96799

No. 76578

101-400
1214

12-4-92

NOT VALID AFTER 60 DAYS

PAY
TO THE
ORDER
OF

One Thousand One Hundred and No/100ths

UNITED STATES ENVIRONMENTAL PROTECTION
AGENCY, REGION 9
75 HAWTHORNE STREET
SAN FRANCISCO CA 94105-3901

GENERAL ACCOUNT

Donner M. Meyer
[Signature]

⑆121404006⑆ 0034⑈003939⑈

Indra W. Whiting
12/11/92



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IV

75 Hawthorne Street
San Francisco, Ca. 94105-3901

October 19, 1992

Norman Wei
Senior Manager
Environmental Engineering
Star-Kist Seafood Company
180 East Ocean Blvd.
Long Beach, CA 90802

Dear Norman:

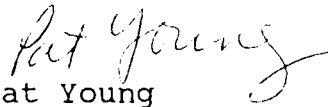
This is in response to your inquiry of October 6th regarding procedures for Star-Kist Samoa to apply for renewal of its Ocean Disposal Permit OD 90-01 which expires on July 30, 1993. Enclosed for your information is a copy of 40 CFR Part 221 (Applications for Ocean Dumping Permits Under Section 102 of the Act) and Part 222 (Action on Ocean Dumping Permit Applications).

Part 221 details the type of information which must be included in your application: applicant name, description and quantity of material to be dumped, proposed dates and times of disposal, proposed method of releasing materials, etc. Additionally, you should include information about the waste transporter company and vessel to be utilized for the disposal operations (company's experience, size/configuration of vessel, resume of the vessel's captain, etc.)

We suggest you submit the permit application and processing fee to us no later than mid-December 1992, to allow us to review and request additional information, if necessary. Under Part 222, EPA is required to review and issue a permit within 180 days of receipt of a completed application. We will need to review the monitoring data submitted under the present permit and all application materials before a draft permit is issued for public comment.

Should you have any further questions, please contact me at (415) 744-1591 or Patrick Cotter at (415) 744-1163.

Sincerely,



Pat Young
American Samoa Program Manager
Office of Pacific Island and Native
American Programs (E-4)

Enclosure

cc: Maurice Callaghan, Star-Kist Samoa
Pati Faiai, ASEPA
Sheila Wiegman, ASEPA
Pat Cotter, W-7-1

title merit of the proposed project out weighs the potential environmental or other damage that may result from the dumping. Research permits shall specify an expiration date no later than 18 months from the date of issue.

(f) *Permits for incineration at sea.* Permits for incineration of wastes at sea will be issued only as research permits or as interim permits until specific criteria to regulate this type of disposal are promulgated, except in those cases where studies on the waste, the incineration method and vessel, and the site have been conducted and the site has been designated for incineration at sea in accordance with the procedures of § 228.4(b). In all other respects the requirements of parts 220 through 228 apply.

[42 FR 2468, Jan. 11, 1977; 43 FR 1071, Jan. 6, 1978]

§ 220.4 Authorities to issue permits.

(a) *Determination by Administrator.* The Administrator, or such other EPA employee as he may from time to time designate in writing, shall issue, deny, modify, revoke, suspend, impose conditions on, initiate and carry out enforcement activities and take any and all other actions necessary or proper and permitted by law with respect to general, special, emergency, interim, or research permits.

(b) *Authority delegated to Regional Administrators.* Regional Administrators, or such other EPA employees as they may from time to time designate in writing, are delegated the authority to issue, deny, modify, revoke, suspend, impose conditions on, initiate and carry out enforcement activities, and take any and all other actions necessary or proper and permitted by law with respect to special and interim permits for:

(1) The dumping of material in those portions of the territorial sea which are subject to the jurisdiction of any State within their respective Regions, and in those portions of the contiguous zone immediately adjacent to such parts of the territorial sea; and in the oceans with respect to approved waste disposal sites designated pursuant to part 228 of this subchapter H, and

(2) Where transportation for dumping is to originate in one Region and dumping is to occur at a location within another Region's jurisdiction conferred by order of the Administrator, the Region in which transportation is to originate shall be responsible for review of the application and shall prepare the technical evaluation of the need for dumping and alternatives to ocean dumping. The Region having jurisdiction over the proposed dump site shall take all other actions required by this subchapter H with respect to the permit application, including without limitation, determining to issue or deny the permit, specifying the conditions to be imposed, and giving public notice. If both Regions do not concur in the disposition of the permit application, the Administrator will make the final decision on all issues with respect to the permit application, including without limitation, issuance or denial of the permit and the conditions to be imposed.

(c) *Review of Corps of Engineers Dredged Material Permits.* Regional Administrators have the authority to review, to approve or to disapprove or to propose conditions upon Dredged Material Permits for ocean dumping of dredged material at locations within the respective Regional jurisdictions. Regional jurisdiction to act under this paragraph (c) of § 220.4 is determined by the Administrator in accordance with § 228.4(c).

PART 221—APPLICATIONS FOR OCEAN DUMPING PERMITS UNDER SECTION 102 OF THE ACT

Sec.

221.1 Applications for permits.

221.2 Other information.

221.3 Applicant.

221.4 Adequacy of information in application.

221.5 Processing fees.

Authority: 33 U.S.C. 1412 and 1418.

Source: 42 FR 2470, Jan. 11, 1977, unless otherwise noted.

§ 221.1 Applications for permits.

Applications for general, special, emergency, interim and research per-

Environmental Protection Agency

mits under section 102 of the Act may be filed with the Administrator or the appropriate Regional Administrator, as the case may be, authorized by § 220.4 to act on the application. Applications shall be made in writing and shall contain, in addition to any other material which may be required, the following:

(a) Name and address of applicant;

(b) Name of the person or firm transporting the material for dumping, the name of the person(s) or firm(s) producing or processing all materials to be transported for dumping, and the name or other identification, and usual location, of the conveyance to be used in the transportation and dumping of the material to be dumped, including information on the transporting vessel's communications and navigation equipment;

(c) Adequate physical and chemical description of material to be dumped, including results of tests necessary to apply the Criteria, and the number, size, and physical configuration of any containers to be dumped;

(d) Quantity of material to be dumped;

(e) Proposed dates and times of disposal;

(f) Proposed dump site, and in the event such proposed dump site is not a dump site designated in this Subchapter H, detailed physical, chemical and biological information relating to the proposed dump site and sufficient to support its designation as a site according to the procedures of Part 228 of this Subchapter H;

(g) Proposed method of releasing the material at the dump site and means by which the disposal rate can be controlled and modified as required;

(h) Identification of the specific process or activity giving rise to the production of the material;

(i) Description of the manner in which the type of material proposed to be dumped has been previously disposed of by or on behalf of the person(s) or firm(s) producing such material;

(j) A statement of the need for the proposed dumping and an evaluation of short and long term alternative means of disposal, treatment or recycle of the material. Means of disposal

shall include without limitation, land fill, well injection, incineration, spread of material over open ground; biological, chemical or physical treatment, recovery and recycle of material within the plant or at other plants which may use the material, and storage. The statement shall also include an analysis of the availability and environmental impact of such alternatives; and

(k) An assessment of the anticipated environmental impact of the proposed dumping, including without limitation, the relative duration of the effect of the proposed dumping on the marine environment, navigation, living and non-living marine resource exploitation, scientific study, recreation and other uses of the ocean.

§ 221.2 Other information.

In the event the Administrator, Regional Administrator, or a person designated by either to review permit applications, determines that additional information is needed in order to apply the Criteria, he shall so advise the applicant in writing. All additional information requested pursuant to this § 221.2 shall be deemed part of the application and for purposes of applying the time limitation of § 222.1, the application will not be considered complete until such information has been filed.

§ 221.3 Applicant.

Any person may apply for a permit under this Subchapter H even though the proposed dumping may be carried on by a permittee who is not the applicant; provided however, that the Administrator or the Regional Administrator, as the case may be, may, in his discretion, require that an application be filed by the person or firm producing or processing the material proposed to be dumped. Issuance of a permit will not excuse the permittee from any civil or criminal liability which may attach by virtue of his having transported or dumped materials in violation of the terms or conditions of a permit, notwithstanding that the permittee may not have been the applicant.

§ 221.4 Adequacy of information in application.

No permit issued under this Subchapter H will be valid for the transportation or dumping of any material which is not accurately and adequately described in the application. No permittee shall be relieved of any liability which may arise as a result of the transportation or dumping of material which does not conform to information provided in the application solely by virtue of the fact that such information was furnished by an applicant other than the permittee.

§ 221.5 Processing fees.

(a) A processing fee of \$1,000 will be charged in connection with each application for a permit for dumping in an existing dump site designated in this Subchapter H.

(b) A processing fee of an additional \$3,000 will be charged in connection with each application for a permit for dumping in a dump site other than a dump site designated in this Subchapter H.

(c) Notwithstanding any other provision of this § 221.5, no agency or instrumentality of the United States or of a State or local government will be required to pay the processing fees specified in paragraphs (a) and (b) of this section.

PART 222—ACTION ON OCEAN DUMPING PERMIT APPLICATIONS UNDER SECTION 102 OF THE ACT

Sec.

- 222.1 General.
- 222.2 Tentative determinations.
- 222.3 Notice of applications.
- 222.4 Initiation of hearings.
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- 222.12 Appeal to Administrator.
- 222.13 Computation of time.

AUTHORITY: 33 U.S.C. 1412 and 1418.

SOURCE: 42 FR 2471, Jan. 11, 1977, unless otherwise noted.

§ 222.1 General.

Decisions as to the issuance, denial, or imposition of conditions on general, special, emergency, interim and research permits under section 102 of the Act will be made by application of the criteria of Parts 227 and 228. Final action on any application for a permit will, to the extent practicable, be taken within 180 days from the date a complete application is filed.

§ 222.2 Tentative determinations.

(a) Within 30 days of the receipt of his initial application, an applicant shall be issued notification of whether his application is complete and what, if any, additional information is required. No such notification shall be deemed to foreclose the Administrator or the Regional Administrator, as the case may be, from requiring additional information at any time pursuant to § 221.2.

(b) Within 30 days after receipt of a completed permit application, the Administrator or the Regional Administrator, as the case may be, shall publish notice of such application including a tentative determination with respect to issuance or denial of the permit. If such tentative determination is to issue the permit, the following additional tentative determinations will be made:

- (1) Proposed time limitations, if any;
- (2) Proposed rate of discharge from the barge or vessel transporting the waste;
- (3) Proposed dumping site; and
- (4) A brief description of any other proposed conditions determined to be appropriate for inclusion in the permit in question.

§ 222.3 Notice of applications.

(a) *Contents.* Notice of every complete application for a general, special, interim, emergency and research permit shall, in addition to any other material, include the following:

- (1) A summary of the information included in the permit application;
- (2) Any tentative determinations made pursuant to paragraph (b) of § 222.2;
- (3) A brief description of the procedures set forth in § 222.5 for request-

ing a public hearing on the application including specification of the date by which requests for a public hearing must be filed;

(4) A brief statement of the factors considered in reaching the tentative determination with respect to the permit and, in the case of a tentative determination to issue the permit, the reasons for the choice of the particular permit conditions selected; and

(5) The location at which interested persons may obtain further information on the proposed dumping, including copies of any relevant documents.

(b) *Publication.*—(1) *Special, interim and research permits.* Notice of every complete application for special, interim and research permits shall be given by:

(i) Publication in a daily newspaper of general circulation in the State in closest proximity to the proposed dump site; and

(ii) Publication in a daily newspaper of general circulation in the city in which is located the office of the Administrator or the Regional Administrator, as the case may be, giving notice of the permit application.

(2) *General permits.* Notice of every complete application for a general permit or notice of action proposed to be taken by the Administrator to issue a general permit, without an application, shall be given by publication in the FEDERAL REGISTER.

(3) *Emergency permits.* Notice of every complete application for an emergency permit shall be given by publication in accordance with paragraphs (b)(1)(i) and (ii) of this section; *Provided, however,* That no such notice and no tentative determination in accordance with § 222.2 shall be required in any case in which the Administrator determines:

- (i) That an emergency, as defined in paragraph (c) of § 220.3 exists;
- (ii) That the emergency poses an unacceptable risk relating to human health;
- (iii) That the emergency admits of no other feasible solution; and
- (iv) That the public interest requires the issuance of an emergency permit as soon as possible.

Notice of any determination made by the Administrator pursuant to this

paragraph (b)(3) shall be given as soon as practicable after the issuance of the emergency permit by publication in accordance with paragraphs (b)(1)(i) and (ii) and with paragraphs (a), (c) through (i) of this section.

(c) *Copies of notice sent to specific persons.* In addition to the publication of notice required by paragraph (b) of this section, copies of such notice will be mailed by the Administrator or the Regional Administrator, as the case may be, to any person, group or Federal, State or local agency upon request. Any such request may be a standing request for copies of such notices and shall be submitted in writing to the Administrator or to any Regional Administrator and shall relate to all or any class of permit applications which may be acted upon by the Administrator or such Regional Administrator, as the case may be.

(d) *Copies of notice sent to States.* In addition to the publication of notice required by paragraph (b) of this section, copies of such notice will be mailed to the State water pollution control agency and to the State agency responsible for carrying out the Coastal Zone Management Act, if such agency exists, for each coastal State within 500 miles of the proposed dumping site.

(e) *Copies of notice sent to Corps of Engineers.* In addition to the publication of notice required by paragraph (b) of this section, copies of such notice will be mailed to the office of the appropriate District Engineer of the U.S. Army Corps of Engineers for purposes of section 106(c) of the Act, (pertaining to navigation, harbor approaches, and artificial islands on the outer continental shelf).

(f) *Copies of notice sent to Coast Guard.* In addition to the publication of notice required by paragraph (b) of this section, copies of such notice will be sent to the appropriate district office of the U.S. Coast Guard for review and possible suggestion of additional conditions to be included in the permit to facilitate surveillance and enforcement.

(g) *Fish and Wildlife Coordination Act.* The Fish and Wildlife Coordination Act, Reorganization Plan No. 4 of 1970, and the Act require that the Ad-

Administrator or the Regional Administrator, as the case may be, consult with appropriate regional officials of the Departments of Commerce and Interior, the Regional Director of the NMFS NOAA, and the agency exercising administrative jurisdiction over the fish and wildlife resources of the States subject to any dumping prior to the issuance of a permit under this Subchapter H. Copies of the notice shall be sent to the persons noted in paragraph (g) of this section.

(h) *Copies of notice sent to Food and Drug Administration.* In addition to the publication of notice required by paragraph (b) of this section, copies of such notice will be mailed to Food and Drug Administration, Shellfish Sanitation Branch (HF 417), 200 C Street SW., Washington, DC 20204.

(i) *Failure to give certain notices.* Failure to send copies of any public notice in accordance with paragraphs (c) through (h) of this section shall not invalidate any notice given pursuant to this section nor shall such failure invalidate any subsequent administrative proceeding.

(j) *Failure of consulted agency to respond.* Unless advice to the contrary is received from the appropriate Federal or State agency within 30 days of the date copies of any public notice were dispatched to such agency, such agency will be deemed to have no objection to the issuance of the permit identified in the public notice.

§ 222.4 Initiation of hearings.

(a) In the case of any permit application for which public notice in advance of permit issuance is required in accordance with paragraph (b) of § 222.3, any person may, within 30 days of the date on which all provisions of paragraph (b) of § 222.3 have been complied with, request a public hearing to consider the issuance or denial of, or the conditions to be imposed upon, such permit. Any such request for a public hearing shall be in writing, shall identify the person requesting the hearing, shall state with particularity any objections to the issuance or denial of, or to the conditions to be imposed upon, the proposed permit, and shall state the issues which are pro-

posed to be raised by such person for consideration at a hearing.

(b) Whenever (1) a written request satisfying the requirements of paragraph (a) of this section has been received and the Administrator or Regional Administrator, as the case may be, determines that such request presents genuine issues, or (2) the Administrator or Regional Administrator, as the case may be, determines in his discretion that a public hearing is necessary or appropriate, the Administrator or the Regional Administrator, as the case may be, will set a time and place for a public hearing in accordance with § 222.5, and will give notice of such hearing by publication in accordance with § 222.3.

(c) In the event the Administrator or the Regional Administrator, as the case may be, determines that a request filed pursuant to paragraph (a) of this section does not comply with the requirements of such paragraph (a) of this section or that such request does not present substantial issues of public interest, he shall advise, in writing, the person requesting the hearing of his determination.

§ 222.5 Time and place of hearings.

Hearings shall be held in the State in closest proximity to the proposed dump site, whenever practicable, and shall be set for the earliest practicable date no less than 30 days after the receipt of an appropriate request for a hearing or a determination by the Administrator or the Regional Administrator, as the case may be, to hold such a hearing without such a request.

§ 222.6 Presiding Officer.

A hearing convened pursuant to this Subchapter H shall be conducted by a Presiding Officer. The Administrator or Regional Administrator, as the case may be, may designate a Presiding Officer. For adjudicatory hearings held pursuant to § 222.11, the Presiding Officer shall be an EPA employee who has had no prior connection with the permit application in question, including without limitation, the performance of investigative or prosecuting functions or any other functions, and who is not employed in the Enforcement

Division or any Regional enforcement office.

(42 FR 2471, Jan. 11, 1977; 42 FR 6583, Feb. 3, 1977)

§ 222.7 Conduct of public hearing.

The Presiding Officer shall be responsible for the expeditious conduct of the hearing. The hearing shall be an informal public hearing, not an adversary proceeding, and shall be conducted so as to allow the presentation of public comments. When the Presiding Officer determines that it is necessary or appropriate, he shall cause a suitable record, which may include a verbatim transcript, of the proceedings to be made. Any person may appear at a public hearing convened pursuant to § 222.5 whether or not he requested the hearing, and may be represented by counsel or any other authorized representative. The Presiding Officer is authorized to set forth reasonable restrictions on the nature or amount of documentary material or testimony presented at a public hearing, giving due regard to the relevancy of any such information, and to the avoidance of undue repetitiveness of information presented.

§ 222.8 Recommendations of Presiding Officer.

Within 30 days following the adjournment of a public hearing convened pursuant to § 222.5, or within such additional period as the Administrator or the Regional Administrator, as the case may be, may grant to the Presiding Officer for good cause shown, and after full consideration of the comments received at the hearing, the Presiding Officer will prepare and forward to the Administrator or to the Regional Administrator, as the case may be, written recommendations relating to the issuance or denial of, or conditions to be imposed upon, the proposed permit, and the record of the hearing. Such recommendations shall contain a brief statement of the basis for the recommendations including a description of evidence relied upon. Copies of the Presiding Officer's recommendations shall be provided to any interested person on request, without charge. Copies of the record

will be provided in accordance with 40 CFR Part 2.

(42 FR 2471, Jan. 11, 1977; 42 FR 6583, Feb. 3, 1977)

§ 222.9 Issuance of permits.

(a) Within 30 days following receipt of the Presiding Officer's recommendations or, where no hearing has been held, following the close of the 30-day period for requesting a hearing as provided in § 222.4, the Administrator or the Regional Administrator, as the case may be, shall make a determination with respect to the issuance, denial, or imposition of conditions on, any permit applied for under this Subchapter H and shall give notice to the applicant and to all persons who registered their attendance at the hearing by providing their name and mailing address, if any, by mailing a letter stating the determination and stating the basis therefor in terms of the Criteria.

(b) Any determination to issue or deny any permit after a hearing held pursuant to § 222.7 shall take effect no sooner than:

(1) 10 days after notice of such determination is given if no request for an adjudicatory hearing is filed in accordance with § 222.10(a); or

(2) 20 days after notice of such determination is given if a request for an adjudicatory hearing is filed in accordance with paragraph (a) of § 222.10 and the Administrator or the Regional Administrator, as the case may be, denies such request in accordance with paragraph (c) of § 222.10; or

(3) The date on which a final determination has been made following an adjudicatory hearing held pursuant to § 222.11.

(c) The Administrator or Regional Administrator, as the case may be, may extend the term of a previously issued permit pending the conclusion of the proceedings held pursuant to §§ 222.7 through 222.9.

(d) A copy of each permit issued shall be sent to the appropriate District Office of the U.S. Coast Guard.

§ 222.10 Appeal to adjudicatory hearing.

(a) Within 10 days following the receipt of notice of the issuance or

dential of any permit pursuant to § 222.9 after a hearing held pursuant to § 222.7, any interested person who participated in such hearing may request that an adjudicatory hearing be held pursuant to § 222.11 for the purpose of reviewing such determination, or any part thereof. Any such request for an adjudicatory hearing shall be filed with the Administrator or the Regional Administrator, as the case may be, and shall be in writing, shall identify the person requesting the adjudicatory hearing and shall state with particularity the objections to the determination, the basis therefor and the modification requested.

(b) Whenever a written request satisfying the requirements of paragraph (a) of this section has been received and the Administrator or Regional Administrator, as the case may be, determines that an adjudicatory hearing is warranted, the Administrator or the Regional Administrator, as the case may be, will set a time and place for an adjudicatory hearing in accordance with § 222.5, and will give notice of such hearing by publication in accordance with § 222.3.

(c) Prior to the conclusion of the adjudicatory hearing and appeal process, the Administrator or the Regional Administrator, as the case may be, in his discretion may extend the duration of a previously issued permit until a final determination has been made pursuant to § 222.11 or § 222.12.

(d) In the event the Administrator or the Regional Administrator, as the case may be, determines that a request filed pursuant to paragraph (a) of this section does not comply with the requirements of such paragraph (a) of this section or that such request does not present substantial issues of public interest, he shall advise, in writing, the person requesting the adjudicatory hearing of his determination.

(e) Any person requesting an adjudicatory hearing or requesting admission as a party to an adjudicatory hearing shall state in his written request, and shall by filing such request consent, that he and his employees and agents shall submit themselves to direct and cross-examination at any such hearing and to the taking of an

oath administered by the Presiding Officer.

§ 222.11 Conduct of adjudicatory hearings.

(a) *Parties.* Any interested person may at a reasonable time prior to the commencement of the hearing submit to the Presiding Officer a request to be admitted as a party. Such request shall be in writing and shall set forth the information which would be required to be submitted by such person if he were requesting an adjudicatory hearing. Any such request to be admitted as a party which satisfies the requirements of this paragraph (a) shall be granted and all parties shall be informed at the commencement of the adjudicatory hearing of the parties involved. Any party may be represented by counsel or other authorized representative. EPA staff representing the Administrator or Regional Administrator who took action with respect to the permit application shall be deemed a party.

(b) *Filing and service.* (1) An original and two (2) copies of all documents or papers required or permitted to be filed shall be filed with the Presiding Officer.

(2) Copies of all documents and papers filed with the Presiding Officer shall be served upon all other parties to the adjudicatory hearing.

(c) *Consolidation.* The Administrator, or the Regional Administrator in the case of a hearing arising within his Region and for which he has been delegated authority hereunder, may, in his discretion, order consolidation of any adjudicatory hearings held pursuant to this section whenever he determines that consolidation will expedite or simplify the consideration of the issues presented. The Administrator may, in his discretion, order consolidation and designate one Region to be responsible for the conduct of any hearings held pursuant to this section which arise in different Regions whenever he determines that consolidation will expedite or simplify the consideration of the issues presented.

(d) *Pre-hearing conference.* The Presiding Officer may hold one or more prehearing conferences and may issue a prehearing order which may include

without limitation, requirements with respect to any or all of the following:

- (1) Stipulations and admissions;
- (2) Disputed issues of fact;
- (3) Disputed issues of law;
- (4) Admissibility of any evidence;
- (5) Hearing procedures including submission of oral or written direct testimony, conduct of cross-examination, and the opportunity for oral arguments;

(6) Any other matter which may expedite the hearing or aid in disposition of any issues raised therein.

(e) *Adjudicatory hearing procedures.*

(1) The burden of going forward with the evidence shall:

(i) In the case of any adjudicatory hearing held pursuant to § 222.10(b) (1), be on the person filing a request under § 222.10(a) as to each issue raised by the request; and

(ii) In the case of any adjudicatory hearing held pursuant to § 223.2 or pursuant to Part 226, be on the Environmental Protection Agency.

(2) The Presiding Officer shall have the duty to conduct a fair and impartial hearing, to take action to avoid unnecessary delay in the disposition of proceedings, and to maintain order. He shall have all powers necessary or appropriate to that end, including without limitation, the following:

(i) To administer oaths and affirmations;

(ii) To rule upon offers of proof and receive relevant evidence;

(iii) To regulate the course of the hearing and the conduct of the parties and their counsel;

(iv) To consider and rule upon all procedural and other motions appropriate to the proceedings; and

(v) To take any action authorized by these regulations and in conformance with law.

(3) Parties shall have the right to cross-examine a witness who appears at an adjudicatory hearing to the extent that such cross-examination is necessary or appropriate for a full disclosure of the facts. In multi-party proceedings the Presiding Officer may limit cross examination to one party on each side if he is satisfied that the cross-examination by one party will adequately protect the interests of other parties.

(4) When a party will not be unfairly prejudiced thereby, the Presiding Officer may order all or part of the evidence to be submitted in written form.

(5) Rulings of the Presiding Officer on the admissibility of evidence, the propriety of cross-examination, and other procedural matters, shall be final and shall appear in the record.

(6) Interlocutory appeals may not be taken.

(7) Parties shall be presumed to have taken exception to an adverse ruling.

(8) The proceedings of all hearings shall be recorded by such means as the Presiding Officer may determine. The original transcript of the hearing shall be a part of the record and the sole official transcript. Copies of the transcript shall be available from the Environmental Protection Agency in accordance with 40 CFR Part 2.

(9) The rules of evidence shall not apply.

(f) *Decision after adjudicatory hearing.* (1) Within 30 days after the conclusion of the adjudicatory hearing, or within such additional period as the Administrator or the Regional Administrator, as the case may be, may grant to the Presiding Officer for good cause shown, the Presiding Officer shall submit to the Administrator or the Regional Administrator, as the case may be, proposed findings of fact and conclusions of law, his recommendation with respect to any and all issues raised at the hearing, and the record of the hearing. Such findings, conclusions and recommendations shall contain a brief statement of the basis for the recommendations. Copies of the Presiding Officer's proposed findings of fact, conclusions of law and recommendations shall be provided to all parties to the adjudicatory hearing on request, without charge.

(2) Within 20 days following submission of the Presiding Officer's proposed findings of fact, conclusions of law and recommendations, any party may submit written exceptions, no more than 30 pages in length, to such proposed findings, conclusions and recommendations and within 30 days following the submission of the Presiding Officer's proposed findings, conclusions and recommendations any party may file written comments, no more

than 30 pages in length, on another party's exceptions. Within 45 days following the submission of the Presiding Officer's proposed findings, conclusions and recommendations, the Administrator or the Regional Administrator, as the case may be, shall make a determination with respect to all issues raised at such hearing and shall affirm, reverse or modify the previous or proposed determination, as the case may be. Notice of such determination shall set forth the determination for each such issue, shall briefly state the basis therefor and shall be given by mail to all parties to the adjudicatory hearing.

§ 222.12 Appeal to Administrator.

(a) Within 10 days following receipt of the determination of the Regional Administrator pursuant to paragraph (b)(2) of § 222.11, any party to an adjudicatory hearing held in accordance with § 222.11 may appeal such determination to the Administrator by filing a written notice of appeal, or the Administrator may, on his own initiative, review any prior determination.

(b) The notice of appeal shall be no more than 40 pages in length and shall contain:

(1) The name and address of the person filing the notice of appeal;

(2) A concise statement of the facts on which the person relies and appropriate citations to the record of the adjudicatory hearing;

(3) A concise statement of the legal basis on which the person relies;

(4) A concise statement setting forth the action which the person proposes that the Administrator take; and

(5) A certificate of service of the notice of appeal on all other parties to the adjudicatory hearing.

(c) The effective date of any determination made pursuant to paragraph (b)(2) of § 222.11 may be stayed by the Administrator pending final determination by him pursuant to this section upon the filing of a notice of appeal which satisfies the requirements of

paragraph (b) of this section or upon initiation by the Administrator of review of any determination in the absence of such notice of appeal.

(d) Within 20 days following the filing of a notice of appeal in accordance with this section, any party to the adjudicatory hearing may file a written memorandum, no more than 40 pages in length, in response thereto.

(e) Within 45 days following the filing of a notice of appeal in accordance with this section, the Administrator shall render his final determination with respect to all issues raised in the appeal to the Administrator and shall affirm, reverse, or modify the previous determination and briefly state the basis for his determination.

(f) In accordance with 5 U.S.C. section 704, the filing of an appeal to the Administrator pursuant to this section shall be a prerequisite to judicial review of any determination to issue, deny or impose conditions upon any permit, or to modify, revoke or suspend any permit, or to take any other enforcement action, under this Subchapter H.

§ 222.13 Computation of time.

In computing any period of time prescribed or allowed in this part, except unless otherwise provided, the day on which the designated period of time begins to run shall not be included. The last day of the period so computed is to be included unless it is a Saturday, Sunday, or a legal holiday in which the Environmental Protection Agency is not open for business, in which event the period runs until the end of the next day which is not a Saturday, Sunday, or legal holiday. Intermediate Saturdays, Sundays and legal holidays shall be excluded from the computation when the period of time prescribed or allowed is seven days or less.